

NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Submitted March 13, 2024

Decided March 14, 2024

Before

ILANA DIAMOND ROVNER, *Circuit Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 23-2200

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

JAMES L. SNYDER,
Defendant-Appellant.

Appeal from the United States District
Court for the Northern District of
Illinois, Eastern Division.

No. 1:20-CR-00579(1)

Manish S. Shah,
Judge.

ORDER

James Snyder was convicted of attempting to entice a minor to engage in prostitution or sexual activity. 18 U.S.C. § 2422(b). He completed his prison term in July 2019 and began serving a 10-year term of supervised release. The district court revoked Snyder's supervised release in June 2023 for violating the conditions of his release in four respects: possessing prohibited materials, using an encrypted messaging service, failing to participate in sex-offender treatment, and having unsupervised contact with a minor. It imposed six-months' imprisonment with no further supervised release. Snyder was released in November 2023.

Snyder filed a notice of appeal, but because he has already served the challenged prison term and is no longer in custody, his lawyer moves to withdraw from the appeal, arguing that it is moot and it would be frivolous to argue otherwise. *See Anders v. California*, 386 U.S. 738 (1967). Snyder does not have an unqualified constitutional right to counsel in revocation proceedings, *see Gagnon v. Scarpelli*, 411 U.S. 778, 790–91 (1973), but our practice is to apply the *Anders* safeguards to them anyway, *see United States v. Brown*, 823 F.3d 392, 394 (7th Cir. 2016). Counsel’s brief explains the nature of the case and addresses the issue of mootness. Snyder did not respond to his lawyer’s motion, *see* CIR. R. 51(b), and counsel tells us that Snyder has not responded to her attempts at contacting him. Because counsel’s analysis appears thorough, we limit our review to the subjects she discusses. *See United States v. Bey*, 748 F.3d 774, 776 (7th Cir. 2014).

Counsel correctly concludes that, because Snyder has already completed his sentence, this appeal is unquestionably moot. An appeal of an already-completed sentence may present a live controversy if the defendant faces collateral consequences from it. *See Spencer v. Kemna*, 523 U.S. 1, 7–8 (1998). We may presume the existence of such collateral consequences when a defendant has completed a sentence underlying a conviction, but we make no such presumption when the completed sentence stems from the revocation of supervised release. *See id.* at 8, 14; *United States v. Austin*, __ F.4th __, 2024 WL 717061 at *2 (7th Cir. Feb. 22, 2024) (extending *Spencer’s* holding about the end of parole terms to supervised-release terms). In this latter scenario, the defendant must demonstrate collateral consequences. *See Spencer*, 523 U.S. at 14. But we agree with counsel that Snyder could not do that. Any possible adverse effects from the revocation of his supervised release are contingent upon him violating the law—conduct that he is obligated to avoid—or are too speculative to present a live controversy. *See id.* at 14–16; *Austin*, 2024 WL 717061 at *2. And because the district court provided that no term of supervised release would follow Snyder’s incarceration, he no longer faces custody. Finally, counsel does not contend that supervised-release terms are always so short that they fit within the narrow exception to mootness for cases that are capable of repetition yet evade review. *See Spencer*, 523 U.S. at 17–18.

Because this appeal is necessarily moot, arguments on the merits are irrelevant. We thus GRANT counsel’s motion to withdraw and DISMISS the appeal.