

United States Court of Appeals
For the Eighth Circuit

No. 20-1384

United States of America

Plaintiff - Appellee

v.

Timmie Durrell Cole, Sr., also known as Timmie D. Cole

Defendant - Appellant

Appeal from United States District Court
for the Southern District of Iowa - Davenport

Submitted: August 13, 2020

Filed: August 20, 2020

[Unpublished]

Before LOKEN, GRUENDER, and KELLY Circuit Judges.

PER CURIAM.

Timmie Durrell Cole, Sr., appeals after the district court¹ revoked his supervised release and sentenced him to four months in prison, which was below the

¹The Honorable John A. Jarvey, Chief Judge, United States District Court for the Southern District of Iowa.

advisory sentencing guideline range, followed by eight years of supervised release. His counsel has moved for leave to withdraw and has filed a brief, in which he argues that the evidence was insufficient to support the district court's finding that Cole violated the conditions of his supervised release, and that the four-month revocation prison sentence was substantively unreasonable. Cole does not challenge the substantive reasonableness of his supervised release sentence.

We note that Cole was released from prison on April 17, 2020, and we conclude that his challenge to the substantive reasonableness of his prison sentence is therefore moot. See United States v. Heins, 669 Fed. Appx. 320, 322 (8th Cir. 2016) (unpublished per curiam). After careful review of the record, we further conclude that the district court did not clearly err in finding, by a preponderance of the evidence, that Cole violated the conditions of his supervised release. See 18 U.S.C. § 3583(e)(3); United States v. Black Bear, 542 F.3d 249, 252 (8th Cir. 2008) (standard of review). We discern no error in the district court's finding that Cole failed to abide by the probation officer's instructions to reside at an approved residence, and there was ample evidence for independently revoking Cole's supervised release based on his association with a convicted felon. See United States v. Miller, 557 F.3d 910, 914 (8th Cir. 2009).

Accordingly, we grant counsel's motion to withdraw, and we affirm the judgment.
