

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 19 2017

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

No. 15-50552

Plaintiff-Appellee,

D.C. No. 3:14-cr-01694-WQH

v.

MEMORANDUM*

PABLO ALVAREZ-JIMENEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of California
William Q. Hayes, District Judge, Presiding

Submitted April 11, 2017**

Before: GOULD, CLIFTON, and HURWITZ, Circuit Judges.

Pablo Alvarez-Jimenez appeals from the district court's judgment and challenges the 30-month sentence imposed following his guilty-plea conviction for being a removed alien found in the United States, in violation of 8 U.S.C. § 1326. Alvarez-Jimenez challenges the 16-level enhancement that the

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

district court imposed on the basis of his 2013 aggravated assault conviction.

This sentencing appeal is moot because Alvarez-Jimenez has fully served his custodial sentence and is not subject to a term of supervised release. *See United States v. Palomba*, 182 F.3d 1121, 1123 (9th Cir. 1999). Accordingly, we dismiss the appeal.

DISMISSED.