

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-8175

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SHAWNSY DEVON MITCHELL,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer, Chief District Judge. (3:03-cr-00009-JRS-1)

Submitted: March 31, 2011

Decided: April 4, 2011

Before NIEMEYER, SHEDD, and AGEE, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Shawnsy Devon Mitchell, Appellant Pro Se. Laura Colombell Marshall, Stephen Wiley Miller, Elizabeth Wu, Assistant United States Attorneys, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Shawnsy Devon Mitchell appeals the district court's order denying his motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c)(2) (2006). Because his appeal is moot, we dismiss the appeal.

Mitchell pleaded guilty in April 2003. He was sentenced to ninety months' imprisonment and five years of supervised release. Mitchell served his active sentence and was released on November 18, 2009, while this appeal was in abeyance pending decision in another appeal. Because Mitchell has completed the confinement portion of his sentence, his argument that the district court abused its discretion in denying his motion for reduction of sentence is moot.*

Accordingly, we dismiss the appeal as moot. We deny Mitchell's motion to appoint counsel. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED

* Our decision is without prejudice to any future motion Mitchell may file for early termination of supervised release pursuant to 18 U.S.C. § 3583(e)(1) (2006).