

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-4939

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LERON J. FULLER,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Arenda Wright Allen, District Judge. (2:11-cr-00015-AWA-DEM-1)

Submitted: May 13, 2013

Decided: May 28, 2013

Before DUNCAN, AGEE, and WYNN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Harry D. Harmon, Jr., Norfolk, Virginia, for Appellant. Neil H. MacBride, United States Attorney, M. Jennifer Norako, Special Assistant United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Leron J. Fuller appeals the district court's order revoking his term of supervised release and imposing a six-month sentence with no further term of supervised release. The only issue Fuller raises on appeal is whether the district court committed a procedural error rendering his sentence plainly unreasonable. Because his appeal is moot, we dismiss the appeal.

Fuller was convicted of obstruction of justice, in violation of Va. Code Ann. § 18.2-460(B) (2009), as assimilated by 18 U.S.C. §§ 7, 13 (2006), Count Four of a superseding indictment. The court imposed a sentence of four months' imprisonment, followed by one year of supervised release. Supervision began on February 1, 2012.

On August 27, 2012, the probation officer filed a petition for revocation of supervised release with three violations of conditions: failure to satisfactorily participate in mental health treatment, failure to work regularly, and possession of marijuana. After a hearing, the court revoked Fuller's supervised release, finding that Fuller committed all three violations. The court sentenced Fuller to six months of imprisonment. After imprisonment, the supervision was to be terminated. Because Fuller has completed serving his sentence, his argument that the district court procedurally erred in

imposing his sentence is moot. See Friedman's, Inc. v. Dunlap, 290 F.3d 191, 197 (4th Cir. 2002) (whether the court is "presented with a live case or controversy is a question [the court] may raise sua sponte since mootness goes to the heart of the Article III jurisdiction of the courts" (internal quotation marks omitted)).

Accordingly, we dismiss the appeal as moot. 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