

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-4166

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BRANDON LEE CAUDLE,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Robert J. Conrad, Jr., District Judge. (3:06-cr-00038-RJC-CH-2)

Submitted: October 23, 2013

Decided: November 12, 2013

Before NIEMEYER, KING, and KEENAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Matthew C. Joseph, LAW OFFICE OF NORMAN BUTLER, Charlotte, North Carolina, for Appellant. Anne M. Tompkins, United States Attorney, Melissa L. Rikard, Assistant United States Attorney, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Brandon Lee Caudle appeals the district court's order revoking his term of supervised release and imposing an eleven-month sentence with no further term of supervised release. The only issues Caudle raises on appeal challenge the district court's decision to revoke his supervised release and to impose an active prison sentence. Because Caudle's appeal is moot, we dismiss the appeal.

Caudle's present term of supervised release began in September 2012. In October 2012, the probation officer petitioned the court for an arrest warrant, alleging that Caudle had violated several terms of his supervised release. After a hearing, the court found that Caudle had violated two of those terms. Accordingly, the court revoked Caudle's supervised release and sentenced him to eleven months' imprisonment, but did not impose an additional term of supervised release.

During the pendency of this appeal, Caudle was released from imprisonment. Accordingly, his arguments challenging the district court's decision to revoke his supervised release and impose sentence are moot. See United States v. Hardy, 545 F.3d 280, 282-85 (4th Cir. 2008) (holding that, when defendant is no longer serving revocation sentence and no additional term of supervised release is imposed, appeal is moot); Friedman's, Inc. v. Dunlap, 290 F.3d 191, 197 (4th

Cir. 2002) (whether this 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 this court and argument would not aid the decisional process.

DISMISSED