

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-7901

RICHARD VALENCIANO,

Petitioner - Appellant,

v.

WARDEN FCI EDGEFIELD,

Respondent - Appellee,

and

WARDEN THOMAS,

Respondent.

Appeal from the United States District Court for the District of South Carolina, at
Charleston. R. Bryan Harwell, District Judge. (2:14-cv-01889-RBH)

Submitted: May 2, 2017

Decided: June 6, 2017

Before MOTZ, DUNCAN, and DIAZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Richard Valenciano, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Richard Valenciano, a former federal prisoner, has appealed the district court's order dismissing his 28 U.S.C. § 2241 (2012) petition. In the petition, he challenged his sentence as an armed career criminal, arguing that one of his predicate prior convictions was no longer a qualifying violent felony. While this appeal was pending, the United States District Court for the District of New Mexico granted Valenciano's authorized successive 28 U.S.C. § 2255 (2012) motion based on *Johnson v. United States*, 135 S. Ct. 2551 (2015). He was resentenced and released from custody, and he is currently on supervised release. "Mootness is a jurisdictional question and thus may be raised *sua sponte* by a federal court at any stage of proceedings." *United States v. Springer*, 715 F.3d 535, 540 (4th Cir. 2013) (citation omitted). Because Valenciano has already been granted the relief that he sought in his § 2241 petition, we conclude that the appeal is moot. *See also United States v. Surratt*, ___ F.3d ___, No. 14-6851, 2017 WL 1423296 (4th Cir. Apr. 21, 2017) (dismissed as moot following en banc argument).

Accordingly, we deny leave to proceed in forma pauperis and 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