

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-4825

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CLEMENT JEREMIAH WELLS,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Florence.
Terry L. Wooten, Senior District Judge. (4:04-cr-00149-TLW-1)

Submitted: May 18, 2020

Decided: May 21, 2020

Before AGEE, KEENAN, and WYNN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Casey P. Riddle, Assistant Federal Public Defender, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Florence, South Carolina, for Appellant. Arthur Bradley Parham, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Florence, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Clement Jeremiah Wells noted an appeal from the district court's judgment revoking his supervised release and sentencing him to 10 months in prison. Wells' counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), stating that there are no meritorious issues for appeal, but raising as an issue for review whether the 10-month prison sentence is plainly unreasonable. Wells was informed of his right to file a pro se supplemental brief, but he has not done so. The Government declined to file a brief. We dismiss the appeal.

Wells' term of supervised release commenced in December 2018. In June and August 2019, the probation officer alleged Wells had committed four violations of the terms of his supervised release. After Wells admitted to three of these violations and stipulated that the Government could prove the fourth violation by a preponderance of the evidence at the revocation hearing, the district court revoked his supervised release and sentenced him to 10 months' imprisonment. The district court did not impose an additional term of supervised release.

During the pendency of this appeal, Wells was released from incarceration. Accordingly, his argument challenging the reasonableness of his revocation sentence is 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)).

In accordance with *Anders*, we have reviewed the entire record in this case and have found no meritorious grounds for appeal. We therefore dismiss the appeal as moot. This court requires that counsel inform Wells, in writing, of the right to petition the Supreme Court of the United States for further review. If Wells requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel’s motion must state that a copy thereof was served on Wells.

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