

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 20-6274**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RICHARD ALLEN PATTERSON,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Raymond A. Jackson, District Judge. (2:17-cr-00114-RAJ-DEM-1)

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Submitted: November 12, 2021

Decided: December 15, 2021

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Before THACKER and HARRIS, Circuit Judges, and KEENAN, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Richard Allen Patterson, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Richard Allen Patterson appeals the district court’s order denying his motions to appoint counsel. “Because mootness is jurisdictional, we can and must consider it even if neither party has raised it.” *United States v. Ketter*, 908 F.3d 61, 65 (4th Cir. 2018). “A case becomes moot—and therefore no longer a Case or Controversy for purposes of Article III—when the issues presented are no longer live or the parties lack a legally cognizable interest in the outcome.” *Plymail v. Mirandy*, 8 F.4th 308, 314–15 (4th Cir. 2021) (internal quotation marks omitted). “A claim may be mooted ‘when the claimant receives the relief he or she sought to obtain through the claim,’ because the court no longer ‘has [] effective relief to offer.’” *Williams v. Ozmint*, 716 F.3d 801, 809 (4th Cir. 2013). However, “[a] case becomes moot only when it is impossible for a court to grant any effectual relief whatever to the prevailing party.” *Knox v. Serv. Emps. Int’l Union, Loc. 1000*, 567 U.S. 298, 307 (2012) (internal quotation marks omitted).

Patterson seeks an order directing the district court to appoint counsel to help him withdraw his guilty plea and assert ineffective assistance of counsel and prosecutorial misconduct claims. But Patterson has already fully litigated a 28 U.S.C. § 2255 motion in the district court, and appealed the denial of that § 2255 motion to this court, No. 21-6248. Therefore, the relief that Patterson seeks would no longer be effectual since Patterson has not sought and this court has not granted him permission to file a second or successive motion. *See Long v. Hooks*, 972 F.3d 442, 468 (4th Cir. 2020).

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*