

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-4326

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DARRYL ROBERT KINLOCH,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Beaufort.
Margaret B. Seymour, Senior District Judge. (9:10-cr-01102-MBS-1)

Submitted: April 11, 2023

Decided: August 24, 2023

Before GREGORY and HARRIS, Circuit Judges, and FLOYD, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

ON BRIEF: Charles W. Cochran, Assistant Federal Public Defender, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Charleston, South Carolina, for Appellant. Christopher Scott Lietzow, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Darryl Robert Kinloch appeals the district court’s judgment revoking his supervised release and sentencing him to five months’ imprisonment. During the pendency of this appeal, Kinloch was released from incarceration.

“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.” *Id.* (internal quotation marks omitted). Because Kinloch has already served his term of imprisonment and the district court did not impose any additional term of supervised release, there is no longer a live controversy regarding the revocation of his supervised release. Thus, Kinloch’s challenges to the revocation of his supervised release and the reasonableness of the revocation sentence are moot. *See id.*; *see also United States v. Hardy*, 545 F.3d 280, 283-84 (4th Cir. 2008).

We therefore dismiss the appeal as moot and deny the Government’s motion to remand 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