

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 22-4355**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MELVILLE DANCY,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at Greenville. Timothy M. Cain, District Judge. (6:16-cr-00861-TMC-1)

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Submitted: December 15, 2022

Decided: December 19, 2022

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Before GREGORY, Chief Judge, and WILKINSON and DIAZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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**ON BRIEF:** Benjamin T. Stepp, Assistant Federal Public Defender, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Greenville, South Carolina, for Appellant. Maxwell B. Cauthen, III, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Greenville, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Melville Dancy appeals the district court's decision to revoke his supervised release and impose an eight-month sentence. While this appeal was pending, Dancy was released from custody.

“When a case or controversy ceases to exist—either due to a change in the facts or the law—the litigation is moot, and the court's subject matter jurisdiction ceases to exist also.” *Porter v. Clarke*, 852 F.3d 358, 363 (4th Cir. 2017) (internal quotation marks omitted). “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). Dancy has already served his sentence and faces no additional term of supervised release; thus, there is no longer a live controversy. Dancy's challenge to the revocation of his supervised release is therefore moot. *See United States v. Hardy*, 545 F.3d 280, 283-84 (4th Cir. 2008).

Accordingly, we dismiss the appeal for lack of jurisdiction. 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*