

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 17-20653
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
August 28, 2018

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

SUNNY ROBINSON,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:09-CR-422-1

Before BENAVIDES, HIGGINSON, and ENGELHARDT, Circuit Judges.

PER CURIAM:*

Sunny Robinson, federal prisoner # 43681-279, was convicted by a jury of conspiracy to commit health care fraud, aiding and abetting health care fraud, conspiracy to violate the Anti-Kickback Statute, and paying kickbacks in violation of the Anti-Kickback Statute. Robinson was sentenced to 97 months of imprisonment and to concurrent three-year terms of supervised release. He appeals the denial of his pro se motion for reduction of sentence

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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under 18 U.S.C. § 3582(c)(2), based on Amendment 792 to the Sentencing Guidelines, which amended, inter alia, the definition of “intended loss” under U.S.S.G. § 2B1.1.

The district court correctly noted that Amendment 792 was not among the amendments listed in U.S.S.G. § 1B1.10(d), and therefore concluded that a sentence reduction was not authorized under § 3582(c)(2). *See Dillon v. United States*, 560 U.S. 817, 825-26 (2010). However, according to the Bureau of Prisons website, Robinson was released from imprisonment on April 27, 2018. “Where a defendant has begun serving a term of supervised release, the appeal of the denial of his § 3582(c)(2) motion is moot.” *United States v. Booker*, 645 F.3d 328, 328 (5th Cir. 2011).

Accordingly, the appeal is DISMISSED AS MOOT.