

United States Court of Appeals
For the Eighth Circuit

No. 16-4568

United States of America

Plaintiff - Appellee

v.

Robisdel Gonzalez-Abreu

Defendant - Appellant

Appeal from United States District Court
for the District of South Dakota - Aberdeen

Submitted: February 12, 2018

Filed: November 5, 2018

[Unpublished]

Before SMITH, Chief Judge, MURPHY and COLLOTON, Circuit Judges.*

PER CURIAM.

Robisdel Gonzalez-Abreu, pursuant to a plea agreement, pleaded guilty to identify theft, in violation of 18 U.S.C. § 1028(a)(7). The district court sentenced

*Chief Judge Smith and Judge Colloton file this opinion pursuant to 8th Cir. Rule 47E.

Gonzalez-Abreu to 30 months' imprisonment. The court did not impose a term of supervised release. Gonzalez-Abreu appeals his sentence, arguing procedural error and substantive unreasonableness.

The case was submitted to our court on February 12, 2018. However, the Bureau of Prisons website shows that Gonzalez-Abreu was released from federal custody on July 12, 2018, while this matter was still under advisement. *See Find an Inmate*, Fed. Bureau of Prisons, <https://www.bop.gov/inmateloc/>. Because Gonzalez-Abreu has been discharged from prison and is not under supervision, this appeal is moot. *See United States v. Hill*, 889 F.3d 953, 954 (8th Cir. 2018) (holding defendant's appeal of sentence was rendered moot by his release from federal custody); *United States v. Aden*, 830 F.3d 812, 816 (8th Cir. 2016) (“[The appellant] was released from custody on April 29, 2016, and this appeal was submitted on May 31, 2016. As such, even if the court abused its discretion, which we would find that it did not, this issue is moot.”); *see also Calderon v. Moore*, 518 U.S. 149 (1996) (per curiam) (when event occurs during pendency of appeal that renders it impossible for court to grant appellant any effectual relief whatsoever, appeal should be dismissed as moot).

Accordingly, we dismiss this appeal as moot.
