

United States Court of Appeals
For the Eighth Circuit

No. 17-2109

United States of America

Plaintiff - Appellee

v.

Patricia Webb, also known as Patricia Holmes

Defendant - Appellant

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: December 7, 2018

Filed: December 11, 2018

[Unpublished]

Before GRUENDER, KELLY, and GRASZ, Circuit Judges.

PER CURIAM.

Patricia Webb appeals after she pled guilty to wire fraud and aggravated identity theft pursuant to a plea agreement that contained an appeal waiver. The district court¹ varied upward to sentence her to 72 months in prison on the wire-fraud

¹The Honorable Roseann A. Ketchmark, United States District Judge for the Western District of Missouri.

counts, plus a mandatory 24-month consecutive prison term on the identity-theft count. It also ordered forfeiture and restitution. Webb now argues that the appeal waiver should not be enforced, that her sentence is unreasonable, and that the value of assets the government seized from her in forfeiture proceedings should have offset the restitution award. We conclude that the appeal waiver is valid and enforceable and that Webb's sentencing arguments fall within its scope. *See United States v. Scott*, 627 F.3d 702, 704 (8th Cir. 2010) (reviewing the validity and applicability of an appeal waiver *de novo*); *United States v. Andis*, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (discussing the enforcement of appeal waivers). During the pendency of this appeal, the district court clerk credited the liquidated value of the seized assets against the amount Webb owes in restitution, rendering her restitution argument moot. *See Calderon v. Moore*, 518 U.S. 149, 150 (1996) (per curiam) (explaining that an appeal should be dismissed as moot when, by virtue of an intervening event, the appellate court cannot grant the appellant any effectual relief). Accordingly, we dismiss this appeal. Counsel's motion to withdraw is denied without prejudice.
