

United States Court of Appeals
For the Eighth Circuit

No. 18-1876

United States of America

Plaintiff - Appellee

v.

Bennie Manuel

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Arkansas - Western Division

Submitted: September 6, 2018

Filed: September 12, 2018

[Unpublished]

Before WOLLMAN, GRUENDER, and GRASZ, Circuit Judges.

PER CURIAM.

Bennie Manuel initiated this appeal after the district court¹ revoked a sentence of probation he was serving and sentenced him to a prison term of time served and

¹The Honorable J. Leon Holmes, United States District Judge for the Eastern District of Arkansas.

supervised release for one year. His counsel has moved for leave to withdraw and has filed a brief arguing that the probation-revocation sentence is unreasonable and that the court plainly erred by imposing a special condition for Manuel's one year of supervised release. Since the filing of this appeal, however, the district court has revoked Manuel's supervised-release term for violating conditions other than the one being challenged and has imposed a nine-month prison term with no additional supervised release. That supervised-release-revocation sentence is not on appeal.

We decline to address the challenged supervised-release condition, as it has become moot. *Cf. United States v. Wynn*, 553 F.3d 1114, 1119 (8th Cir. 2009) (applying mootness to certain conditions of probation where probation had been revoked).

Addressing the reasonableness issue, which arguably is not moot, we conclude that the district court did not impose a substantively or procedurally unreasonable sentence. *See United States v. Keatings*, 787 F.3d 1197, 1202 (8th Cir. 2015) (reviewing substantive reasonableness of probation-revocation sentence under deferential abuse-of-discretion standard and reviewing unpreserved procedural objection for plain error); *see also* 18 U.S.C. §§ 4 (setting forth maximum prison term), 3583(b)(3) (setting forth maximum supervised-release term).

Accordingly, we affirm, and we grant counsel's motion to withdraw.
