

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 21 2019

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

No. 17-35877

Plaintiff-Appellee,

D.C. Nos. 6:16-cv-01726-AA
6:05-cr-60072-AA-1

v.

CASEY DALE MAYER,

MEMORANDUM*

Defendant-Appellant.

Appeal from the United States District Court
for the District of Oregon
Ann L. Aiken, District Judge, Presiding

Submitted November 18, 2019**

Before: CANBY, TASHIMA, and CHRISTEN, Circuit Judges.

Casey Dale Mayer appeals pro se from the district court's order denying his 28 U.S.C. § 2255 motion as moot. We have jurisdiction under 28 U.S.C. § 2253. Reviewing de novo, *see United States v. Reves*, 774 F.3d 562, 564 (9th Cir. 2014), we affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See Fed. R. App. P. 34(a)(2)*.

Mayer's section 2255 motion challenged the sentence imposed upon resentencing for his guilty-plea conviction for being a felon in possession of a firearm and ammunition, in violation of 18 U.S.C. § 922(g)(1). Because Mayer has fully served his custodial sentence and is no longer subject to a term of supervised release, the district court properly concluded that his section 2255 motion is moot. *See Spencer v. Kemna*, 523 U.S. 1, 7-8 (1998); *United States v. Palomba*, 182 F.3d 1121, 1123 (9th Cir. 1999). Contrary to his contention, Mayer has not shown that any exception to the mootness doctrine applies. *See Spencer*, 523 U.S. at 8; *United States v. King*, 891 F.3d 868, 870 (9th Cir. 2018) (where collateral consequences not presumed, petitioner has burden to show he faces them).

We treat Mayer's additional argument as a motion to expand the certificate of appealability and deny the motion. *See* 9th Cir. R. 22-1(e); *Hiivala v. Wood*, 195 F.3d 1098, 1104-05 (9th Cir. 1999).

In light of this disposition, we do not reach the government's additional arguments.

AFFIRMED.