

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 9 2022

FOR THE NINTH CIRCUIT

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

UNITED STATES of America,

Plaintiff-Appellee,

v.

MICHAEL EDWARD CATON,

Defendant-Appellant.

No. 21-30168

D.C. No. 3:21-cr-05040-BHS-1

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Benjamin H. Settle, District Judge, Presiding

Argued and Submitted August 31, 2022
Seattle, Washington

Before: HAWKINS, McKEOWN, and SANCHEZ, Circuit Judges.

Michael Edward Caton appeals the district court's imposition of an electronic search condition as a special condition of supervised release. We have jurisdiction pursuant to 28 U.S.C. § 1291. While this appeal was pending, the district court revoked Caton's previous term of supervised release and imposed a new supervised release term that does not include an electronic search condition.

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

Because Caton is no longer subject to the condition he challenges on appeal, “there is nothing for us to remedy,” and we dismiss his appeal as moot. *See Spencer v. Kemna*, 523 U.S. 1, 18 (1998).

DISMISSED.