

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 22 2022

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 22-30120

Plaintiff-Appellee,

D.C. No. 2:12-cr-00007-DLC-1

v.

MEMORANDUM*

JOSEPH FRANKLIN REYNOLDS,

Defendant-Appellant.

Appeal from the United States District Court
for the District of Montana
Dana L. Christensen, District Judge, Presiding

Submitted November 15, 2022**

Before: CANBY, CALLAHAN, and BADE, Circuit Judges.

Joseph Franklin Reynolds appeals from the district court's order modifying the conditions of supervised release to include mental health treatment. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Reynolds's counsel has filed a motion to withdraw and opening brief stating that there are no grounds for relief

* 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).

because the appeal is moot. Reynolds has filed a pro se response explaining why he believes the appeal is not moot.

The record reflects that, subsequent to the district court's entry of the order on appeal, Reynolds's supervised release was revoked on August 17, 2022. Upon his release from the custodial sentence imposed by the August 17 judgment, Reynolds will be subject to the supervised release conditions included in that judgment. Because the order modifying the previously imposed supervised release conditions is no longer in effect, we can provide no effective relief to Reynolds. We, therefore, dismiss this appeal as moot. *See Spencer v. Kemna*, 523 U.S. 1, 7-14 (1998).

Counsel's motion to withdraw is **GRANTED**.

DISMISSED.