



a reduction in his sentence. The Court directed the United States to respond, and after consideration of that Response finds that Defendant's claims for relief are moot.

As Plaintiff notes in its Response, Defendant has already completed his term of imprisonment under the ACCA. Defendant began serving his sentence on February 8 of 1999, and his ACCA-based sentence would have been completed on or before March 2014. Because this sentence was ordered to concurrently with the two life sentences, even granting Defendant relief under Johnson would not decrease the amount of time he has remaining to serve or have any other impact on his imprisonment. "Where judicial relief will not remedy the [defendant's] injury, 'the [defendant] can no longer satisfy the Article III case or controversy jurisdictional requirement and the [claim] is moot.'" United States v. Vera-Flores, 496 F.3d 1177, 1180 (10th Cir. 2007) (quoting United States v. Meyers, 200 F.3d 715, 718 (10th Cir. 2000)). Further, under the "concurrent sentence doctrine", a court may decline to review the length of a concurrent sentence where "the defendant suffers neither prejudice nor collateral consequence as a result of the sentence." United States v. Harris, 695 F.3d 1125, 1139-40 (10th Cir. 2012).

Because granting Defendant relief under Johnson would have no impact on his sentences, the Court finds he has failed to state a live controversy and his 18 U.S.C. § 2255 Motion will be dismissed as moot.

Accordingly, Defendant's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Dkt. No. 53) is DISMISSED AS MOOT.

IT IS SO ORDERED this 11th day of August, 2016.

  
ROBIN J. CAUTHRON  
United States District Judge