

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

LUIS ALEJANDRO LOPEZ,
Petitioner,

v.

BOARD OF PAROLE
AND POST-PRISON SUPERVISION,
Respondent.

Board of Parole and Post-Prison Supervision
A167953

Submitted November 12, 2020.

Ernest G. Lannet, Chief Defender, Criminal Appellate Section, and Stephanie J. Hortsch, Deputy Public Defender, Office of Public Defense Services, filed the opening and reply briefs for petitioner. Luis Alejandro Lopez filed the supplemental brief *pro se*.

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Patricia J. Rincon, Assistant Attorney General, filed the brief for respondent.

Before Lagesen, Presiding Judge, and James, Judge, and Kamins, Judge.

PER CURIAM

Affirmed.

PER CURIAM

Petitioner has petitioned for review of a final order of the Board of Parole and Post-Prison Supervision. In that order, following a murder-review hearing under ORS 163.105, the board found that petitioner had not sustained his burden of demonstrating that he was likely to be rehabilitated within a reasonable period of time and then, based on that finding, declined to change the terms of petitioner's confinement. On review, in his brief filed through counsel, petitioner assigns error to that determination. In a *pro se* supplemental brief, petitioner contends that the board plainly erred by not enforcing what, in his view, were the terms of his plea agreement.

We reject petitioner's *pro se* assignment of error without further discussion, seeing no plain error by the board. As for petitioner's challenge to the board's determination that he had not met his burden of demonstrating his likelihood of rehabilitation in a reasonable amount of time, petitioner has filed a "Notice of Probable Mootness," alerting us that the board has since "issued an order finding that petitioner has met that burden," and that, further, the board granted a parole release date of November 1, 2020. We are persuaded that the board's subsequent actions have rendered moot the assignment of error raised in petitioner's brief submitted through counsel. For that reason, we affirm the order on review without addressing the merits of that assignment of error.

Affirmed.