

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 07-4729**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DANNY ALONOZA SURRATT,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of North Carolina, at Shelby. Lacy H. Thornburg, District Judge. (4:93-cr-00083-LHT)

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Submitted: February 21, 2008

Decided: February 25, 2008

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Before MOTZ and GREGORY, Circuit Judges, and WILKINS, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Harold M. Vaught, Charlotte, North Carolina, for Appellant. Amy Elizabeth Ray, OFFICE OF THE UNITED STATES ATTORNEY, Asheville, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Danny Alonzo Surratt appeals the district court's order revoking his supervised release and imposing a four-month custodial sentence. Surratt's attorney filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), asserting there are no meritorious grounds for appeal, but questioning whether Surratt's sentence violates the Ex Post Facto Clause. Surratt has been informed of his right to file a pro se supplemental brief but has not done so.

During the pendency of this appeal, Surratt has been discharged from federal custody. Moreover, his sentence did not include a term of supervised release, and there are no continuing collateral consequences from the district court's judgment on revocation of supervised release. Accordingly, the appeal is moot. See Spencer v. Kemna, 523 U.S. 1, 10 (1998).

In accordance with Anders, we have reviewed the entire record and found no meritorious issues for appeal. We therefore dismiss Surratt's appeal as moot. This court requires that counsel inform his client, in writing, of his right to petition to the Supreme Court of the United States for further review. If the client requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on the client. We dispense with oral argument because the facts and legal contentions

are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED