

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-4907

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TINA BELCASTRO,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Clarksburg. Irene M. Keeley, District Judge. (1:12-cr-00056-IMK-JSK-5)

Submitted: May 15, 2013

Decided: May 30, 2013

Before DAVIS, WYNN, and THACKER, Circuit Judges.

Dismissed in part; affirmed in part by unpublished per curiam opinion.

Charles T. Berry, Fairmont, West Virginia, for Appellant. Zelda Elizabeth Wesley, Assistant United States Attorney, Clarksburg, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Tina Belcastro appeals her conviction and eight-month sentence imposed pursuant to her guilty plea to distributing Buprenorphine with 1000 feet of public housing. Counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), stating that there are no meritorious issues for appeal, but questioning whether the district court erred by not sentencing Belcastro to a lower sentence and by providing inadequate explanation for the sentence. Neither Belcastro nor the Government has filed a brief. After a review of the entire record, we affirm.

Belcastro was released from prison on February 15, 2013, to serve her three-year supervised release term. Thus, there is no longer any live controversy regarding the length of Belcastro's confinement, and her challenge to the length of her prison term is therefore moot. See Sibron v. New York, 392 U.S. 40, 55-56 (1968); United States v. Tapia-Marquez, 361 F.3d 535, 537 (9th cir. 2004). Accordingly, we dismiss the appeal in part, insofar as it challenges the length of Belcastro's prison sentence.

We have reviewed the remainder of the record in accordance with Anders, and we find no meritorious issues for appeal. Accordingly, we affirm Belcastro's conviction as well as her term of supervised release. This court requires that

counsel inform Belcastro in writing of her right to petition the Supreme Court of the United States for further review. If Belcastro 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 Belcastro. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED IN PART;
AFFIRMED IN PART