UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-4526

UNITED STATES OF AMERICA,

Plaintiff – Appellee,

v.

DUANE MCATEE,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Wheeling. John Preston Bailey, Chief District Judge. (5:13-cr-00017-JPB-JES-1)

Submitted: January 3, 2014 Decided: October 21, 2014

Before KING, GREGORY, and KEENAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Katy J. Cimino, Assistant Federal Public Defender, Kristen M. Leddy, Research and Writing Specialist, Clarksburg, West Virginia, for Appellant. William J. Ihlenfeld, II, United States Attorney, Paul T. Camilletti, Assistant United States Attorney, Martinsburg, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Duane McAtee appeals his six-month sentence entered pursuant to his conviction for contempt of court. McAtee contends that his sentence is procedurally and substantively unreasonable. We dismiss the appeal as moot.

On January 6, 2014, while this appeal was pending, McAtee was released from incarceration. We may address sua sponte whether an issue on appeal presents "a live case or controversy . . . since mootness goes to the heart of the Article III jurisdiction of the courts." Friedman's, Inc. v. Dunlap, 290 F.3d 191, 197 (4th Cir. 2002) (internal quotation marks omitted). Because McAtee has already served his term of imprisonment and has not identified any collateral consequences of it, there is no longer any live controversy regarding the length of his confinement. Therefore, his challenge to his sentence is moot. See United States v. Hardy, 545 F.3d 280, 283-84 (4th Cir. 2008).

Accordingly, McAtee's appeal is dismissed as moot. 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