

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-4382

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JIMMOTT ANTHONY THOMAS,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Robert G. Doumar, Senior District Judge. (2:08-cr-00035-RGD-FBS-1)

Submitted: February 22, 2016

Decided: February 25, 2016

Before MOTZ and DIAZ, Circuit Judges, and DAVIS, Senior Circuit Judge.

Dismissed in part; affirmed in part by unpublished per curiam opinion.

Jeremy C. Kamens, Acting Federal Public Defender, Frances H. Pratt, Suzanne V. Katchmar, Assistant Federal Public Defenders, Alexandria, Virginia, for Appellant. Sherrie Scott Capotosto, Assistant United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jimmott Anthony Thomas appeals from the district court's judgment revoking his supervised release and sentencing him to 14 months' imprisonment and a 36-month term of supervised release. Thomas's 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 Thomas's revocation sentence is plainly unreasonable on the basis that the district court failed to explain its decision to impose the 14-month prison sentence. Thomas was informed of his right to file a pro se supplemental brief, but he has not done so. The Government declined to file a brief. During the pendency of this appeal, Thomas was released from incarceration and began serving the 36-month term of supervised release.

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 and citation omitted). Because Thomas already has served his term of imprisonment, there is no longer a live controversy regarding the length of his confinement. Therefore, counsel's challenge to the district court's decision to impose the 14-month prison term is moot. See United States v. Hardy, 545 F.3d 280, 283-84 (4th Cir. 2008). However,

because Thomas is serving the 36-month term of supervised release and because his attorney filed an Anders brief, we retain jurisdiction to review pursuant to Anders the district court's decisions to revoke Thomas's supervised release and to impose the 36-month term of supervised release.

In accordance with Anders, we have reviewed the record in this case and have found no meritorious issues for appeal. We therefore dismiss the appeal as moot to the extent Thomas seeks to challenge his 14-month prison term and affirm the district court's judgment, in part. This court requires that counsel inform Thomas, in writing, of the right to petition the Supreme Court of the United States for further review. If Thomas 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 Thomas.

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