

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-4744

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CARLTON N. LUCK, a/k/a C-4,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Charlottesville. Norman K. Moon, District Judge. (3:04-cr-00047-nkm-mfu-6)

Submitted: July 26, 2010

Decided: August 20, 2010

Before GREGORY, SHEDD, and KEENAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Steven D. Rosenfield, Charlottesville, Virginia, for Appellant.
Timothy J. Heaphy, United States Attorney, Ronald M. Huber, Assistant United States Attorney, Charlottesville, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Carlton N. Luck seeks to appeal the district court's amended judgment convicting him of conspiracy to distribute and possess with intent to distribute cocaine, marijuana, and cocaine base and sentencing him to 288 months of imprisonment. We dismiss Luck's appeal as moot.

"[A] case is moot when the issues presented are no longer 'live' or the parties lack a legally cognizable interest in the outcome." United States v. Hardy, 545 F.3d 280, 283 (4th Cir. 2008) (internal quotation marks omitted). "[I]f an event occurs while a case is pending on appeal that makes it impossible for the court to grant any effectual relief whatever to a prevailing party, the appeal must be dismissed" Incumaa v. Ozmint, 507 F.3d 281, 286 (4th Cir. 2007) (quoting Church of Scientology of Cal. v. United States, 506 U.S. 9, 12 (1992)) (internal quotation marks omitted).

On appeal of the district court's partial denial of Luck's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 (West Supp. 2010), we reversed and vacated Luck's conviction and sentence. United States v. Luck, ___ F.3d ___, 2010 WL 2635812 (4th Cir. July 2, 2010) (No. 09-6641). Thus, because there is no further relief we can grant Luck on appeal, we dismiss the present appeal as moot. We deny Luck's motion to file a pro se supplemental brief. 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