

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-6875**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

HYGINUS IKECHUKWU ILODI, a/k/a Ike Ilodi,

Defendant - Appellant.

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Appeal from the United States District Court for the District of Maryland, at Baltimore. Catherine C. Blake, District Judge. (1:90-cr-00483-CCB-3)

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Submitted: August 24, 2009

Decided: September 1, 2009

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Before WILKINSON, KING, and AGEE, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Hyginus Ikechukwu Ilodi, Appellant Pro Se. Robert Reeves Harding, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Hyginus Ikechukwu Ilodi appeals the district court's order denying his motion to compel the Government to file a motion for sentence reduction under Fed. R. Crim. P. 35(b). Ilodi was originally sentenced to 262 months' imprisonment following convictions after a jury trial for conspiracy to import heroin, conspiracy to distribute and possess with the intent to distribute heroin, and importation of heroin. During the pendency of this appeal, Ilodi was released from imprisonment. Because Ilodi is no longer serving the 262-month sentence originally imposed, his appeal is dismissed as moot.\* We also deny Ilodi's motions for stay pending appeal and 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

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\* In any event, we find no error in the district court's denial of Ilodi's motion to compel the Government to file a Rule 35(b) motion.