UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 26-4030

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DENNIS JAMES DEFRANCO,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Catherine C. Eagles, Chief District Judge. (1:18-cr-00207-CCE-1)

Submitted: August 20, 2026 Decided: August 25, 2026

Before AGEE and RUSHING, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

ON BRIEF: Ryan M. Prescott, PRESCOTT LAW, PLLC, Winterville, Georgia, for Appellant. Dan Bishop, United States Attorney, Julie C. Niemeier, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dennis James DeFranco appeals the district court's judgment revoking his supervised release and imposing a nine-month sentence, with no period of supervision to follow. While this appeal was pending, DeFranco was released from custody. "When a case or controversy ceases to exist—either due to a change in the facts or the law—the litigation is moot, and the court's subject matter jurisdiction ceases to exist also." *Porter v. Clarke*, 852 F.3d 358, 363 (4th Cir. 2017) (internal quotation marks omitted). "Because mootness is jurisdictional, we can and must consider it even if neither party has raised it." *United States v. Ketter*, 908 F.3d 61, 65 (4th Cir. 2018). DeFranco has already served his sentence and faces no additional term of supervised release; thus, there is no longer a live controversy. DeFranco's challenge to the revocation of his supervised release is therefore moot. *See United States v. Hardy*, 545 F.3d 280, 283-84 (4th Cir. 2008) (noting courts do not presume collateral consequences for supervised release revocation). Accordingly, we dismiss the appeal for lack of jurisdiction. 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