

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-4469

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

STEVEN LARUE ROBINSON,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Louise W. Flanagan, District Judge. (5:11-cr-00131-FL-1)

Submitted: May 12, 2022

Decided: May 18, 2022

Before NIEMEYER, MOTZ, and DIAZ, Circuit Judges.

Affirmed in part, dismissed in part by unpublished per curiam opinion.

ON BRIEF: Raymond C. Tarlton, TARLTON POLK PLLC, Raleigh, North Carolina, for Appellant. David A. Bragdon, Assistant United States Attorney, Joshua L. Rogers, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Steven Larue Robinson appeals from the district court's judgment revoking his term of supervised release and sentencing him to eight months' imprisonment with no additional term of supervised release. Robinson's counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), stating that there are no meritorious grounds for appeal but questioning whether Robinson's revocation sentence was procedurally sound and reasonable. Robinson was informed of his right to file a pro se supplemental brief, but he has not done so. During the pendency of this appeal, Robinson 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." *Castendet-Lewis v. Sessions*, 855 F.3d 253, 260 (4th Cir. 2017). Because Robinson has already served his term of imprisonment and the district court did not impose any additional term of supervised release, there is no longer a live controversy regarding the revocation sentence. Therefore, counsel's challenge to the district court's decision to impose the eight-month prison term is moot. *See United States v. Hardy*, 545 F.3d 280, 283-84 (4th Cir. 2008).

In accordance with *Anders*, we have reviewed the record in this case and have found no meritorious grounds for appeal. Accordingly, we dismiss as moot the appeal of Robinson's sentence and affirm the remainder of the revocation judgment. This court requires that counsel inform Robinson, in writing, of the right to petition the Supreme Court of the United States for further review. If Robinson requests that a petition be filed, but

counsel believes that such a petition would be frivolous, then counsel may file a motion to withdraw. Counsel's motion must state that a copy thereof was served on Robinson. 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.

*AFFIRMED IN PART,
DISMISSED IN PART*