

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-7299

EFRAIN ORTIZ-VARGAS,

Petitioner - Appellant,

v.

WARDEN R. BROWN,

Respondent - Appellee.

Appeal from the United States District Court for the Northern District of West Virginia, at
Wheeling. John Preston Bailey, District Judge. (5:23-cv-00318-JPB-JPM)

Submitted: September 18, 2024

Decided: October 25, 2024

Before BERNER and RICHARDSON, Circuit Judges, and KEENAN, Senior Circuit
Judge.

Dismissed by unpublished per curiam opinion.

Efrain Ortiz-Vargas, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Efrain Ortiz-Vargas appeals the district court's order dismissing his 28 U.S.C. § 2241 petition, in which he contended that the Bureau of Prisons (BOP) failed to properly apply his Earned Time Credits under the First Step Act of 2018, Pub. L. No. 113-391, 132 Stat. 5194. As relief, Ortiz-Vargas sought "immediate release from the BOP."

During the pendency of this appeal, Ortiz-Vargas was released from prison. Upon review, we conclude that Ortiz-Vargas's release renders this appeal moot because the possibility that his alleged injury would be redressed by a favorable decision in this appeal is merely speculative. *See Spencer v. Kemna*, 523 U.S. 1, 7 (1998). We therefore dismiss the appeal as moot. 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