

DEC 14 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>JOHN ALLEN NOBLES, Jr.,</p> <p>Defendant - Appellant.</p>
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No. 08-50001

D.C. No. CR-01-00708-JFW-1

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
John F. Walter, District Judge, Presiding

Submitted November 17, 2009**

Before: ALARCÓN, TROTT, and TASHIMA, Circuit Judges.

John Allen Nobles appeals from the seven-month sentence imposed upon revocation of supervised release. Pursuant to *Anders v. California*, 386 U.S. 738

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

(1967), Nobles' counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record.

By order filed August 21, 2008, counsel was advised that the court appeared to lack jurisdiction over the appeal because appellant has been released from prison without an additional term of supervised release. Counsel was ordered to move for voluntary dismissal or show cause why the appeal should not be dismissed. To date, counsel has not responded.

Because Nobles has been released from custody and is not subject to an additional term of supervised release, we dismiss the appeal as moot. *See United States v. Palomba*, 182 F.3d 1121, 1123 (9th Cir 1999).

Counsel's motion to withdraw is granted.

DISMISSED.