

JUN 20 2013

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GARY A. GERMANY,

Defendant - Appellant.

No. 12-30121

D.C. No. 2:08-cr-00098-RHW

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Robert H. Whaley, District Judge, Presiding

Submitted June 18, 2013**

Before: TALLMAN, M. SMITH, and HURWITZ, Circuit Judges.

Gary A. Germany appeals from the district court's order denying his 18 U.S.C. § 3582(c)(2) motion for reduction of his custodial sentence. We have jurisdiction under 28 U.S.C. § 1291, and we dismiss.

Because Germany has finished serving his "term of imprisonment," he is not

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

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

eligible for relief under section 3582(c)(2). *See* 18 U.S.C. § 3582(c)(2) (allowing the district court to reduce the “term of imprisonment” when the defendant was sentenced based upon a sentencing range which has been subsequently lowered). Accordingly, we agree with the government that this case is moot. *See United States v. Strong*, 489 F.3d 1055, 1059 (9th Cir. 2007).

DISMISSED.