

MAY 31 2016

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NOT FOR PUBLICATION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.

GERARDO NOLASCO-MARTINEZ,

Defendant - Appellant.

No. 15-30236

D.C. No. 1:15-cr-00082-BLW

MEMORANDUM*

Appeal from the United States District Court
for the District of Idaho
B. Lynn Winmill, Chief Judge, Presiding

Submitted May 24, 2016**

Before: REINHARDT, W. FLETCHER, and OWENS, Circuit Judges.

Gerardo Nolasco-Martinez appeals from the district court's judgment and challenges the 15-month sentence imposed following his guilty-plea conviction for being a deported alien found in the United States, in violation of 8 U.S.C. § 1326.

We dismiss but remand to the district court to correct the judgment.

* 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).

Nolasco-Martinez contends that his sentence is substantively unreasonable. Because Nolasco-Martinez has been released from custody and is not subject to a term of supervised release, we dismiss the appeal as moot. *See United States v. Palomba*, 182 F.3d 1121, 1123 (9th Cir. 1999).

In accordance with *United States v. Rivera-Sanchez*, 222 F.3d 1057, 1062 (9th Cir. 2000), we remand the case to the district court with instructions that it delete from the judgment the reference to section 1326(b)(1).

DISMISSED; REMANDED to correct the judgment.