

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JUL 17 2017

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

MARCIAL FALCON,

Defendant-Appellant.

No. 15-50464

D.C. No. 8:10-cr-00035-DOC

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
David O. Carter, District Judge, Presiding

Submitted July 11, 2017**

Before: CANBY, KOZINSKI, and HAWKINS, Circuit Judges.

Marcial Falcon appeals from the 2015 judgment revoking his supervised release and imposing a ten-month sentence. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Falcon's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. We have

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

provided Falcon the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

The record reflects that, after Falcon served his ten-month sentence and was placed on supervised release, his supervised release was again revoked. Because the sentence imposed for the 2015 revocation is no longer in effect, we can provide no effective relief to Falcon. We, therefore, dismiss this appeal as moot. *See Spencer v. Kemna*, 523 U.S. 1, 7-14 (1998).

Counsel's motion to withdraw is **GRANTED**.

DISMISSED.