

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 29 2017

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 16-50438

Plaintiff-Appellee,

D.C. No. 3:14-cr-00031-DMS

v.

MEMORANDUM*

JUAN MANUEL COTA-CHAVEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of California
Dana M. Sabraw, District Judge, Presiding

Submitted September 26, 2017**

Before: SILVERMAN, TALLMAN, and N.R. SMITH, Circuit Judges.

Juan Manuel Cota-Chavez appeals from the district court's judgment and challenges the 48-month sentence imposed upon remand for resentencing following his guilty-plea conviction for importation of methamphetamine and heroin, in violation of 21 U.S.C. §§ 952 and 960. We dismiss.

* 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).

Cota-Chavez contends that the district court erred by denying him a minor role reduction under U.S.S.G. § 3B1.2(b). Because Cota-Chavez 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).

DISMISSED.