

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 24 2021

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 19-10205

Plaintiff-Appellee,

D.C. No. 5:08-cr-00361-BLF-1

v.

MEMORANDUM*

GARY JAMES ROLLER,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of California
Beth Labson Freeman, District Judge, Presiding

Submitted June 21, 2021**

Before: SILVERMAN, WATFORD, and BENNETT, Circuit Judges.

Gary James Roller appeals from the district court's order finding that Roller violated the terms of his supervised release and reinstating his supervised release term. We dismiss the appeal as moot.

During the pendency of this appeal, Roller completed his supervised release

* 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).

term, thus rendering his appeal moot. *See Spencer v. Kemna*, 523 U.S. 1, 14 (1998); *United States v. King*, 891 F.3d 868, 869-70, 872 (9th Cir. 2018) (applying *Spencer* to a supervised release revocation and concluding that appeal from revocation judgment was moot upon appellant’s completion of his sentence). Roller’s summary assertion, without any supporting argument, that the “capable of repetition, yet evading review” exception to mootness applies here is unavailing. *See Spencer*, 523 U.S. at 17-18.

DISMISSED.