

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 22 2023

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 22-10195

Plaintiff-Appellee,

D.C. No.

v.

1:15-cr-00322-DAD-BAM-1

KENNETH WILLIAM KIRKLAND,

MEMORANDUM*

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of California
Dale A. Drozd, District Judge, Presiding

Submitted May 16, 2023**

Before: BENNETT, MILLER, and VANDYKE, Circuit Judges.

Kenneth William Kirkland appeals from the district court's judgment
revoking his supervised release. We dismiss the appeal as moot.

Kirkland argues that the district court violated his due process rights by
failing to ascertain whether his history of substance abuse impacted his ability to

* 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).

knowingly and voluntarily waive his right to an evidentiary hearing regarding the revocation charges. Because Kirkland completed his custodial term during the pendency of this appeal, and is not serving a term of supervised release or subject to any ongoing collateral consequences, his appeal is moot. *See United States v. King*, 891 F.3d 868, 869-70, 872 (9th Cir. 2018) (absent proof of ongoing collateral consequences from revocation of supervised release, unconditional release from custody moots challenge to the revocation).

Appellee's unopposed motion to supplement the record is granted.

DISMISSED.