

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 2 2026

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROBERT LEON MERTENS, AKA BJ  
Mertens,

Defendant - Appellant.

No. 25-2316

D.C. No.

2:03-cr-00073-DCN-1

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Idaho  
David C. Nye, District Judge, Presiding

Submitted December 17, 2025\*\*

Before: PAEZ, CHRISTEN, and KOH, Circuit Judges.

Robert Leon Mertens appeals pro se from the district court's order denying his motion for a sentence reduction under 18 U.S.C. § 3582(c)(1)(A)(i). We dismiss the appeal as moot.

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\* 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).

During the pendency of this appeal, Mertens was released from prison. We agree with the government that Mertens's release renders this appeal moot. *See United States v. Yepez*, 108 F.4th 1093, 1100 (9th Cir.), *cert. denied*, 145 S. Ct. 459 (2024). Contrary to Mertens's argument, the fact that he is still subject to other conditions of his sentence, including a term of supervised release, does not save his appeal from being moot. *See id.* at 1100-01. The compassionate release statute permits a district court to reduce "the term of imprisonment." 18 U.S.C. § 3582(c)(1)(A). Because that form of relief is no longer available, this appeal is moot. *See Yepez*, 108 F.4th at 1100-01.

**DISMISSED.**