

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JAN 2 2026

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.

* 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.