

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 06-3826

United States of America,

Appellee,

v.

Joel Keith Day,

Appellant.

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* Appeal from the United States
* District Court for the
* Eastern District of Missouri.
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* [UNPUBLISHED]
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Submitted: November 13, 2007

Filed: November 16, 2007

Before BYE, RILEY, and MELLOY, Circuit Judges.

PER CURIAM.

Joel Keith Day (Day) appeals the 9-month prison sentence imposed upon him after the district court¹ revoked his supervised release. We conclude Day's appeal is moot because he was released from custody on May 4, 2007, and is not serving a further term of supervised release. See United States v. Johnson, 209 Fed. Appx. 608 (8th Cir. 2006) (unpublished per curiam) (dismissing as moot defendant's appeal of his 7-month prison sentence, imposed after revocation of supervised release, where defendant had been released from custody); cf. Spencer v. Kemna, 523 U.S. 1, 6, 18

¹The Honorable Stephen N. Limbaugh, United States District Judge for the Eastern District of Missouri.

(1998) (declaring challenge to allegedly erroneous parole revocation moot because defendant had already served his entire sentence). Therefore, the appeal is dismissed and counsel's motion to withdraw is denied as moot.
