

United States Court of Appeals
For the Eighth Circuit

No. 21-1913

United States of America

Plaintiff - Appellee

v.

John Bennett

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: January 14, 2022

Filed: June 6, 2022

[Unpublished]

Before COLLOTON, KELLY, and KOBES, Circuit Judges.

PER CURIAM.

John Bennett pleaded guilty to being a felon in possession of a firearm, 18 U.S.C. § 922(g)(1). The district court¹ sentenced him to 24 months in prison and three years of supervised release. On appeal, Bennett argues that the Government

¹The Honorable Stephen R. Clark, United States District Judge for the Eastern District of Missouri.

breached its obligation under his plea agreement to recommend a sentence of 12 months and one day in prison.

Bennett's recent release from prison² moots his appeal, see Owen v. United States, 930 F.3d 989, 990 (8th Cir. 2019), even though he is still serving a term of supervised release. The Government only agreed to make a recommendation about Bennett's custodial sentence. While the plea agreement contemplated that the district court would impose a term of supervised release, too, the parties did not bargain about that, and the only issue on appeal is the term of imprisonment. Since there is no remedy available to shorten imprisonment already served, see id., we dismiss the appeal for lack of jurisdiction.

² According to the Federal Bureau of Prisons website, Bennett was released from federal custody on April 8, 2022. See Find an Inmate, Fed. Bureau of Prisons, <https://www.bop.gov/inmateloc/>.