

United States Court of Appeals
For the Eighth Circuit

No. 22-2678

United States of America

Plaintiff - Appellee

v.

Ralph A. Ross, also known as R.A.

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Arkansas - Central

Submitted: April 11, 2023

Filed: May 1, 2023

[Unpublished]

Before LOKEN, SHEPHERD, and KELLY, Circuit Judges.

PER CURIAM.

Ralph Ross pleaded guilty to one count of misprision of a felony and was sentenced to 36 months' imprisonment. Ross appealed, arguing the district court relied on disputed allegations from the Presentence Investigation Report when imposing the sentence. We agreed and remanded for a resentencing to "be conducted on the existing record." United States v. Ross, No. 21-2299, 2022 WL

1013983, at *1 (8th Cir. Apr. 5, 2022). On remand, the district court again imposed a 36-month sentence.

Ross again appeals, seeking a second remand. He argues that the district court¹ impermissibly relied on factors outside the scope of the first remand when it imposed a sentence above the calculated advisory Guidelines range of 24–30 months. However, while Ross’s appeal was pending, he was released from custody. Ross raises no challenge on appeal other than to the length of his custodial sentence, and he asserts no possible collateral consequences. As a result, this court can grant Ross no effective relief, and his challenge to the length of his sentence is moot. See United States v. Aden, 830 F.3d 812, 816–17 (8th Cir. 2016); Owen v. United States, 930 F.3d 989, 990–91 (8th Cir. 2019).

Ross’s appeal is dismissed as moot.

¹The Honorable Brian S. Miller, United States District Judge for the Eastern District of Arkansas.