

United States Court of Appeals
For the Eighth Circuit

No. 24-2422

United States of America

Plaintiff - Appellee

v.

Juan Rosales

Defendant - Appellant

Appeal from United States District Court
for the District of South Dakota - Western

Submitted: March 17, 2025

Filed: May 22, 2025

[Unpublished]

Before GRUENDER, BENTON, and SHEPHERD, Circuit Judges.

PER CURIAM.

Juan Rosales pled guilty to being a felon in possession of a firearm in violation of 18 U.S.C. §§ 922(g)(1), 922(g)(3), and 924(a)(2). The district court sentenced him to time served (almost one year) and three years of supervised release. After release, his supervision was revoked three separate times. The third time, the district

court¹ sentenced him to six months in prison and 24 months of supervised release. He appeals. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

Rosales was released from prison on December 2, 2024. His challenge to the term of imprisonment is moot. *See James v. Outlaw*, 142 Fed. Appx. 274, 275 (8th Cir. 2005). His challenge to his term of supervision is not. This court reviews for abuse of discretion. *United States v. Growden*, 663 F.3d 982, 984 (8th Cir. 2011). The court properly considered the 18 U.S.C. § 3553(a) factors, emphasizing his continued supervised release violations, most recently methamphetamine use and refusal to participate in behavioral therapy for substance abuse. The sentence, including the term of supervision, was below the 36-month statutory limit. The district court did not abuse its discretion. *See United States v. Koch*, 332 Fed. Appx. 339, 340 (8th Cir. 2009) (holding no abuse of discretion where the district court properly considered the § 3553(a) factors and the term of supervised release was within the statutory limits).

* * * * *

The judgment is affirmed.

¹The Honorable Linda R. Reade, United States District Judge for the District of South Dakota.