

**UNITED STATES COURT OF APPEALS**  
**TENTH CIRCUIT**

**AUG 23 2004**

**PATRICK FISHER**  
Clerk

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

BRYANT E. McKINNIE,

Defendant-Appellant.

No. 03-1346  
(District of Colorado)  
(D.C. No. 01-CR-387-WM)

---

**ORDER AND JUDGMENT\***

---

Before **EBEL**, **MURPHY**, and **McCONNELL**, Circuit Judges.

---

Defendant-appellant, Bryant E. McKinnie, appeals the district court's revocation of his supervised release and its imposition of a nine-month term of imprisonment, with no term of supervised release to follow. The district court's judgment was entered on July 30, 2003. Because it appeared likely that McKinnie had served his sentence and been released, this court issued McKinnie an order to show cause why this appeal should not be dismissed as moot. *See United States*

---

\*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

*v. Meyers*, 200 F.3d 715, 721-22 (10th Cir. 2000) (holding that an appeal from the revocation of supervised release and resulting imprisonment becomes moot upon the completion of the term of imprisonment). In his response to the order to show cause, McKinnie indicated that he had been released from custody on April 1, 2004, agreed that this appeal was therefore moot, and moved to dismiss the appeal. Accordingly, this appeal is hereby **DISMISSED** as moot.

ENTERED FOR THE COURT

Michael R. Murphy  
Circuit Judge