

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 07-1932

UNITED STATES OF AMERICA

v.

RESHAD HOXHA
a/k/a
GRINGO

Reshad Hoxha,

Appellant

On Appeal from United States District Court
for the District of Eastern Pennsylvania
(D. C. No. 97-cr-00370-1)
District Court Judge: Honorable Eduardo C. Robreno

Submitted Under Third Circuit LAR 34.1(a)
March 7, 2008

Before: BARRY, JORDAN and HARDIMAN, *Circuit Judges*.

(Filed: March 12, 2008)

OPINION OF THE COURT

HARDIMAN, *Circuit Judge*.

Reshad Hoxha appeals from the District Court's denial of his motion to terminate supervised release. Although the District Court had jurisdiction pursuant to 18 U.S.C. § 3231, we must dismiss this appeal for lack of jurisdiction.

In 1997, Hoxha pleaded guilty to an information charging him with four counts of distribution of heroin in violation of 21 U.S.C. § 841(a)(1), and one count of carrying a firearm during a drug offense, in violation of 18 U.S.C. § 924(c). Hoxha was sentenced to 96 months in prison, to be followed by three years of supervised release. Hoxha was released from custody and began his term of supervised release on December 23, 2004. On January 26, 2007, he filed a motion seeking early termination of his supervised release. After a hearing on March 19, 2007, the District Court denied Hoxha's motion for early termination of supervised release, but modified two conditions of release for his benefit. Hoxha appeals from that order.

Although the parties briefed the merits of the appeal, one fact proves dispositive. On page four of its brief, the Government states: "Hoxha's period of supervised release is set to expire on or about December 23, 2007." Hoxha does not contradict that statement in his Reply Brief and he has since conceded in a letter to the Court that his appeal is moot. That being so, we must dismiss the appeal. *See DeFunis v. Odegaard*, 416 U.S. 312, 316 (1974).