

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

August 9, 2023

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHRISTOPHER R. PARKS,

Defendant - Appellant.

No. 23-5051
(D.C. No. 4:18-CR-00251-GKF-1)
(N.D. Okla.)

ORDER AND JUDGMENT*

Before **HOLMES**, Chief Judge, **EBEL**, and **MATHESON**, Circuit Judges.

Christopher R. Parks appeals the district court’s refusal to release him from custody pending trial. During the pendency of this appeal, however, Parks entered a plea agreement and pleaded guilty to conspiring to offer and pay healthcare kickbacks. *See* 18 U.S.C. §§ 371, 2. The government therefore moves to dismiss this appeal as moot. In response, Parks concedes his appeal is moot. We agree and dismiss the appeal accordingly.

* After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, *res judicata*, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

Parks was charged in a superseding indictment with conspiring to offer and pay, and solicit and receive, healthcare kickbacks, and conspiring to commit healthcare fraud. A magistrate judge granted him pretrial release, but the government moved to revoke it based on new fraud and conspiracy charges brought against Parks in the Eastern District of Texas. After a hearing, the magistrate judge granted the government's motion to revoke on October 18, 2022, and ordered that Parks be detained pending trial.¹ The district court upheld that ruling. Parks then sought to rescind the revocation order or obtain temporary release, but the magistrate judge denied his motion, and the district court dismissed his challenge to those rulings. Parks subsequently appealed.

During the pendency of this appeal, however, on June 27, 2023, Parks pleaded guilty to conspiring to offer and pay healthcare kickbacks. He is now being detained pending sentencing. *See* 18 U.S.C. § 3143. In light of his conviction, even a favorable decision would not afford Parks pretrial release. Nor would a decision that he “was unconstitutionally denied bail prior to trial . . . have any consequences with respect to his right to bail pending appeal and after conviction.” *Murphy v. Hunt*, 455 U.S. 478, 481 & n.5 (1982). Moreover, there is no “reasonable expectation or a demonstrated probability that the same controversy will recur involving [Parks].” *Id.*

¹ The magistrate judge's revocation decision was based, not only on the new charges in the Eastern District of Texas, but also because Parks gave testimony at the revocation hearing indicating he violated two other conditions of his pretrial release.

at 482 (internal quotation marks omitted). Thus, this appeal is moot. We therefore grant the government's motion to dismiss, and dismiss this appeal.

Entered for the Court
Per Curiam