

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

August 27, 2026

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

AUSTIN JAY BLOCK, IV,

Defendant - Appellant.

No. 25-6193
(D.C. No. 5:18-CR-00206-R-1)
(W.D. Okla.)

ORDER AND JUDGMENT*

Before **MORITZ, BALDOCK**, and **EID**, Circuit Judges.**

In October 2018, Defendant Austin Block pleaded guilty to one count of being a felon-in-possession of a firearm in violation of 18 U.S.C. § 922(g)(1). In May 2019, the district court sentenced Defendant to 60-months' imprisonment and three years of supervised release. Shortly after Defendant's release from prison in January 2023, he relapsed on methamphetamine, the drug that is the apparent cause of all his difficulties. Defendant subsequently stipulated to violating the terms of his supervised release by

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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.

** 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.

failing to reside in approved housing, associating with a felon, submitting diluted and positive drug tests, and failing to report for drug testing. After two lengthy continuances during which Defendant failed in his efforts to remain drug free and abide by the terms of his supervised release, the district court's patience ran out. In October 2024, the court sentenced Defendant to 12 months and one day in prison to be followed by six months of supervised release. In July 2025, we dismissed Defendant's appeal because "no nonfrivolous grounds for appealing Block's revocation of supervised release or his resulting sentence appeared in the record." *United States v. Block*, 2025 WL 2114982, at *3 (10th Cir. 2025) (unpublished).

That same month, Defendant began serving his second term of supervised release. But again he relapsed on methamphetamine. And again the Government charged him with violating the terms of his supervised release, this time by using methamphetamine, failing to maintain full-time employment, getting kicked out of a residential reentry facility, and failing to reside in approved housing. Defendant waived a detention hearing as well as a preliminary hearing and stipulated to all of the alleged violations. In November 2025, the district court sentenced Defendant to seven months' imprisonment, but did *not* impose a term of supervised release. Defendant appealed once again. But because Defendant does not seek to challenge the underlying grounds for the revocation of his second term of supervised release and he has now fully served the sentence imposed, we must dismiss Defendant's appeal as moot because it no longer presents a case or controversy as required by Article III, § 2 of the United States Constitution. *See Lane v. Williams*, 455 U.S. 624, 631–32 (1982).

Presently before us is appointed defense counsel's *Anders* brief and his motion to withdraw. *See Anders v. California*, 386 U.S. 738 (1967).¹ The Clerk of this Court has notified Defendant and informed him he could timely file a response in objection to his counsel's *Anders* brief. Defendant has *not* done so. In his *Anders* brief, defense counsel states Defendant identified to him the following issues for appeal: (1) Whether Defendant had an enforceable agreement with the United States Probation Office that if he waived his detention hearing and preliminary hearing and confessed the violations of his supervised release at issue, he would not be sentenced to imprisonment, and (2) Whether Defendant's counsel in the district court was ineffective for failing to raise this "agreement" and request its enforcement before the court. According to defense counsel, neither issue has any merit based on the current state of the record. We, however, do not reach the issues' merits.

Because Defendant has now served his seven month sentence of imprisonment and the district court did not impose a term of supervised release, we are unable to grant him any meaningful relief even assuming the existence of the purported agreement he made with the probation office. "[R]eversal of the [seven month sentence

¹ In *Anders*, the Supreme Court held that if appointed counsel "finds his [client's] case to be wholly frivolous, after a conscientious examination of it, he should so advise the court and request permission to withdraw." *Id.* at 744. Counsel must submit to the court a brief "referring to anything in the record that might arguably support an appeal." *Id.* When counsel submits an *Anders* brief accompanied by a motion to withdraw, we "conduct a full examination of the record to determine whether defendant's claims are wholly frivolous." *United States v. Calderon*, 428 F.3d 928, 930 (10th Cir. 2005). If we agree with counsel's evaluation of the case, we grant the request to withdraw and dismiss the appeal. *Anders*, 386 U.S. at 744.

imposed] cannot operate to undo what has been done or restore to [Defendant] the penalty of the term of imprisonment which he has served.” *St. Pierre v. United States*, 319 U.S. 41, 42–43 (1943); *see Lane*, 455 U.S. at 631 (“Since respondents elected only to attack their sentences [upon revocation of their parole], and since those sentences expired during the course of these proceedings, this case is moot.”). Nor after careful review have we located anything in the record or elsewhere to suggest “that under either state or federal law further penalties or disabilities can be imposed on him as a result of the judgment which has now been satisfied.” *St. Pierre*, 319 U.S. at 43; *see Lane*, 455 U.S. at 632 (refusing to extend the presumption of collateral consequences from a criminal conviction for which a sentence has been completed to a parole revocation).

Accordingly, we grant defense counsel’s motion to withdraw as counsel of record and dismiss this appeal as moot. *See United States v. Luciano-Guillermo*, 305 F. App’x 511, 513 (10th Cir. 2008) (unpublished) (dismissing defendant’s appeal as moot and granting counsel’s motion to withdraw where the sentencing issues were moot).

MOTION TO WITHDRAW GRANTED; APPEAL DISMISSED AS MOOT.

Entered for the Court

Bobby R. Baldock
Circuit Judge