

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 6, 2020

Lyle W. Cayce
Clerk

No. 19-30530
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

SABRINA LYNN DEVILLE, *also known as* LYNN DEVILLE, *also known as* KIM DEVILLE,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:18-CV-4254
USDC No. 2:15-CR-293-1

Before JOLLY, ELROD, and GRAVES, *Circuit Judges.*

PER CURIAM:*

Sabrina Lynn Deville, federal prisoner # 35501-034, pleaded guilty, pursuant to a written agreement, to controlled substance offenses. The district court denied Deville's motion under 28 U.S.C. § 2255 on the merits.

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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Deville subsequently filed a motion to unseal the transcript of her sentencing hearing to pursue § 2255 relief, which the district court construed as a motion for a copy of the transcript at government expense and denied.

While Deville's appeal from the denial of her motion for a copy of her sentencing transcript was pending, this court, in a separate action, dismissed Deville's appeal from the denial of her § 2255 motion for lack of jurisdiction because her notice of appeal was untimely. The parties' briefs, filed after that dismissal, address only issues related to the district court's denial of Deville's § 2255 motion. The only viable issue in the instant appeal, however, is whether Deville is entitled to a transcript of her sentencing hearing at government expense to pursue § 2255 relief. Given that we dismissed Deville's appeal from the denial of her § 2255 motion, no effectual relief exists to grant Deville in the instant appeal. Thus, the instant appeal is moot. *See Motient Corp. v. Dondero*, 529 F.3d 532, 537 (5th Cir. 2008); *United States v. Lares-Meraz*, 452 F.3d 352, 354-55 (5th Cir. 2006).

Accordingly, Deville's appeal is DISMISSED as moot. Her motion for the appointment of counsel on appeal is DENIED.