

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

December 30, 2020

Lyle W. Cayce
Clerk

No. 20-40319

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

DEWAYNE KARL PIPKINS,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:00-CR-4-2

Before DENNIS, SOUTHWICK, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

DeWayne Karl Pipkins, federal prisoner # 08515-078, moves for appointment of counsel in this appeal from the district court's order denying in part and granting in part his motion seeking a reduction in his sentence for conspiracy to possess with intent to distribute more than 50 grams of cocaine base, 21 U.S.C. §§ 846 and 841(a), pursuant to section 404 of the First Step

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194 (2018). The district court determined that Pipkins was eligible for the reduction, denied the motion in part with respect to Pipkins's 292-month term of incarceration, and granted the motion in part by reducing his term of supervised release from five years to four years.

We must examine the basis of our jurisdiction, *sua sponte*, if necessary. *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). The website of the Bureau of Prisons shows that Pipkins was released from prison on December 26, 2020. Because Pipkins has been released from prison and because his four-year term of supervised release is the mandatory minimum term, there is no relief which this court could grant should Pipkins prevail. *See United States v. Heredia-Holguin*, 823 F.3d 337, 340 (5th Cir. 2016) (*en banc*). Therefore, Pipkins's appeal from the order denying in part and granting in part his motion for a reduction in sentence is moot. *See id.*; *see also United States v. Booker*, 645 F.3d 328, 328 (5th Cir. 2011) (18 U.S.C. § 3582(c)(2) motion).

Pipkins's motion for appointment of counsel is DENIED as unnecessary and the appeal is DISMISSED as moot.