

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

August 31, 2026

Lyle W. Cayce
Clerk

No. 25-40550

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JOSE TAMAYO-AMAYA,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:24-CR-504-1

Before STEWART, HIGGINSON, and HO, *Circuit Judges*.

PER CURIAM:*

Defendant-Appellant Jose Tamayo-Amaya challenges the district court's decision to revoke his term of supervised release and impose a term of four months' imprisonment followed by eight months of supervised release. Because he has served the full term of imprisonment, and his term of supervised release has expired, we DISMISS his appeal as moot.

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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I. BACKGROUND

On December 2, 2024, Tamayo-Amaya pleaded guilty to illegal re-entry in violation of 8 U.S.C. § 1326(a). On January 7, 2025, the district court sentenced Tamayo-Amaya to four months' imprisonment and one year of supervised release. One standard condition of supervised release stated that Tamayo-Amaya was required to report to the U.S. Probation Office (the "Probation Office") "in the federal judicial district where [he was] authorized to reside within [seventy-two] hours of [his] release from imprisonment, unless the probation officer instruct[ed him] to report to a different probation office or within a different time frame." As a special condition of supervised release, he was also required to "immediately report, continue to report, or surrender, to U.S. Immigration and Customs Enforcement [(“ICE”)] and follow all their instructions and reporting requirements until any deportation proceedings [were] completed." Tamayo-Amaya's term of supervised release began on January 17, 2025, and he was released from custody the following day.

On February 13, 2025, the Probation Office filed a petition to revoke Tamayo-Amaya's term of supervised release, alleging that he violated the standard and special conditions of his release by failing to report to the Probation Office within seventy-two hours and by failing to report to ICE upon his release from custody. The district court issued a warrant, and on July 29, 2025, Tamayo-Amaya was arrested and placed in custody.

On September 3, 2025, the district court held a revocation hearing at which it determined that Tamayo-Amaya violated both conditions of supervised release as alleged in the petition. Accordingly, it revoked his term of supervised release, sentenced him to four months' custody, and imposed an eight-month term of supervised release to follow. Tamayo-Amaya timely appealed.

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II. DISCUSSION

On appeal, Tamayo-Amaya states that, after his detention began on July 29, 2025, he “completed his four-month custodial sentence and began his term of supervised release [on] November 29, 2025.” Thus, he concedes that “his eight-month term of supervised release . . . expire[d] on July 29, 2026.” “Whether an appeal is moot is a jurisdictional matter, since it implicates the Article III requirement that there be a live case or controversy.” *United States v. Baldemoro*, 178 F.4th 933, 936 (5th Cir. 2026) (citation omitted). We review this question de novo. *See United States v. Vega*, 960 F.3d 669, 672 (5th Cir. 2020). If “the parties have a concrete interest, however small, in the outcome of the litigation, the case is not moot.” *United States v. Sosebee*, 59 F.4th 151, 154 (5th Cir. 2023) (citation omitted). However, “a case ‘becomes moot . . . when it is impossible for a court to grant any effectual relief whatever to the prevailing party.’” *Baldemoro*, 178 F.4th at 936 (quoting *Chafin v. Chafin*, 568 U.S. 165, 172 (2013)).

If a defendant challenges his sentence of supervised release, which then expires, he “bears the burden of identifying an ongoing collateral consequence that can be traced to the challenged sentence and that a favorable decision will likely redress.” *Foster v. NFN Warden, Fed. Det. Ctr.*, 31 F.4th 351, 354 (5th Cir. 2022). If a defendant cannot do so, then his claim is moot. *See id.* (“Some of [the defendant’s] claims are in fact moot [because t]he period [he] was required to be under supervised release has now expired.”); *see also Vega*, 960 F.3d at 674 (“[O]ur court has the authority to grant relief as long as the term of the supervised release has not expired.” (citing *United States v. Heredia-Holguin*, 823 F.3d 337, 343 (5th Cir. 2016) (en banc))); *United States v. Obregon-Hernandez*, 283 F. App’x 201, 202 (5th Cir. 2008) (per curiam) (explaining that because there was “no further term of supervised release,” there was “no case or controversy for th[e] court to address”).

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Here, the Government contends that this case became moot “when [Tamayo-Amaya’s] term of supervised release expire[d] around July 29, 2026.” The Government is correct. As we have explained, a challenge to the revocation of supervised release, and thus a sentence imposed as a result of revocation, is generally moot if the sentence imposed has expired. *Heredia-Holguin*, 823 F.3d at 343; *see also, e.g., United States v. Castillo*, 335 F. App’x 385, 386 (5th Cir. 2009) (per curiam); *United States v. Cordero Pena*, 209 F. App’x 417, 418 (5th Cir. 2006) (per curiam); *United States v. Johnson*, 210 F. App’x 360, 361 (5th Cir. 2006) (per curiam). Tamayo-Amaya conceded that he has already served his four months of imprisonment and that his term of supervised release ended on July 29, 2026, which has now passed. Furthermore, after the Government noted that his appeal would become moot on July 29, 2026, Tamayo-Amaya did not respond. Therefore, because he already served his four months of imprisonment, his term of supervised release has expired, and he has not identified “an ongoing collateral consequence . . . that a favorable decision will likely redress,” there is no case or controversy for this court to resolve. *Foster*, 31 F.4th at 354.

III. CONCLUSION

For the foregoing reasons, we DISMISS Tamayo-Amaya’s appeal as moot.