

United States Court of Appeals for the Fifth Circuit

No. 25-50658
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 19, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ROBERT COPE,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:23-CR-537-1

Before SMITH, SOUTHWICK, and OLDHAM, *Circuit Judges*.

PER CURIAM:*

Robert Cope was convicted of three counts of making a false statement in connection with the acquisition of a firearm and sentenced to concurrent 22-month terms of imprisonment, followed by concurrent three-year terms of supervised release (“SR”). During the pendency of this appeal, Cope’s SR was revoked, and he was sentenced to 10 months of imprisonment and 27 months of SR.

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

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Cope asserts that there is a conflict between the district court's oral pronouncement of sentence and its original written judgment. Specifically, he contends that the original written judgment includes discretionary conditions of SR that were not orally pronounced or adopted, at sentencing, by reference from a presentence report or the Western District of Texas's standing order. The government has moved to dismiss the appeal as moot because the challenged conditions were not included in the revocation judgment.

"In criminal cases . . . a defendant wishing to continue his appeals after the expiration of his sentence must suffer some 'continuing injury' or 'collateral consequence' sufficient to satisfy Article III." *United States v. Juvenile Male*, 564 U.S. 932, 936 (2011). Where the defendant has challenged only his expired sentence, he has "the burden of identifying some ongoing collateral consequence that is traceable to the challenged portion of the sentence and likely to be redressed by a favorable judicial decision." *Id.* (internal quotation marks, modification, and citation omitted).

Because Cope is no longer subject to the discretionary conditions of SR that he challenges on appeal and fails to identify any ongoing collateral consequence, the government's motion is GRANTED, and the appeal is DISMISSED as moot.