

United States Court of Appeals for the Fifth Circuit

No. 25-50915
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

December 3, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

GAVIN BLAKE DAVIS,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:22-CR-219-1

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

PER CURIAM:*

Gavin Blake Davis, a federal criminal defendant awaiting sentencing, pleaded guilty to three counts of cyberstalking, one count of sending interstate threatening communications, and one count of influencing a federal official by threat. At the time of his plea, Davis was on pretrial release, and he remained on release thereafter. On October 17, 2025, the district

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

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granted a motion to revoke Davis's bond, and he was taken into custody. Davis now appeals the revocation of his bond and has filed a motion for release pending appeal under Federal Rule of Appellate Procedure 9.

“Whether an appeal is moot is a jurisdictional matter, since it implicates the Article III requirement that there be a live case or controversy.” *Bailey v. Southerland*, 821 F.2d 277, 278 (5th Cir. 1987). “In the absence of its being raised by a party, this court is obliged to raise the subject of mootness *sua sponte*.” *Id.*

At a hearing on November 21, 2025, the district court granted Davis's motion for release, and the magistrate judge entered an order setting new conditions of release. There is no indication that Davis was not released after he posted a \$50,000 bond. In light of Davis's release under new conditions, any appellate challenge to the revocation of his bond or the conditions of release in effect when his bond was revoked is moot. Further, this court can no longer provide him with the relief that he seeks in his motion under Rule 9. As such, the appeal is DISMISSED AS MOOT, and his motion for release pending appeal is DENIED AS MOOT.