

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

July 30, 2018

Before

DIANE P. WOOD, *Chief Judge*

KENNETH F. RIPPLE, *Circuit Judge*

MICHAEL S. KANNE, *Circuit Judge*

No. 16-4217

JERMEL POPE,
Petitioner-Appellant,

v.

JANET PERDUE
Respondent-Appellee.

Appeal from the United States District
Court for the Central District of
Illinois.

No. 14-cv-01393

Sara Darrow,
Judge.

ORDER

It is ORDERED that footnote 1 at page 5 of the original opinion is STRICKEN and replaced with the following revised footnote 1:

The Government's reliance on *Spencer v. Kemna's* mootness standard is misplaced. *See* 523 U.S. 1, 7 (1998). While Pope is no longer incarcerated, he continues to serve his sentence on supervised release – another form of custody. *Trotter*, 270 F.3d at 1152. Thus, *Spencer*, a case in which the petitioner's sentence had already expired, does not apply. *See Spencer*, 523 U.S. at 7.

It is further ORDERED that the statute referred to on line 2 of the CONCLUSION at page 13 of the original opinion is revised from § 3538(e) to § 3583(e).

Finally, it is ORDERED that the Respondent's Petition for Panel Rehearing is DENIED.