

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

Submitted July 1, 2024

Decided July 1, 2024

Before

DIANE S. SYKES, *Chief Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

JOSHUA P. KOLAR, *Circuit Judge*

No. 23-3237

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

DIONDREA L. HOLT,

Defendant-Appellant.

Appeal from the United States District

Court for the Eastern District of Wisconsin.

No. 13-CR-201-JPS

J. P. Stadtmueller,

Judge.

ORDER

Diondrea Holt was convicted of being a felon in possession of a firearm. 18 U.S.C. §§ 922(g)(1), 924(a)(2). He appeals the 17-month prison sentence imposed for the revocation of his second term of supervised release. His appointed lawyer, however, asserts that the appeal is frivolous and moves to withdraw. *Anders v. California*, 386 U.S. 738, 744 (1967). Counsel’s brief explains the nature of the case and addresses the issues that a case of this kind might be expected to involve. Because counsel’s analysis appears thorough, and Holt did not respond to the motion, *see* CIR. R. 51(b), we limit our review

to the subjects that counsel discusses. *See United States v. Bey*, 748 F.3d 774, 776 (7th Cir. 2014). We grant the motion and dismiss the appeal.

Upon his release from prison in April 2021, Holt began serving a three-year term of supervised release. He soon violated the conditions of his release: He used and sold marijuana, failed to attend required cognitive intervention classes, ignored location monitoring rules, and neglected to report to his probation officer. In addition, in January 2022, he was arrested by state authorities for disorderly conduct and resisting an officer. (He remained in state custody on those charges for a month before his release pending trial.) Based on these violations, the district judge revoked Holt's supervised release in July 2022 and imposed an additional seven months' imprisonment and two years' supervised release.

Holt did not serve any prison time¹ and immediately began his term of supervised release in July 2022. While serving this term, Holt filed a notice of appeal, but we granted his lawyer's motion to withdraw and dismissed the appeal. *See United States v. Holt*, No. 22-2237, 2023 WL 4248838, at *3 (7th Cir. June 29, 2023).

Starting in September 2022, Holt again violated the conditions of his supervision. He tested positive for marijuana, failed to report for his cognitive intervention classes, and removed his ankle monitor. He also was charged with (and later pleaded guilty to) theft in Wisconsin state court. *See Wisconsin v. Holt*, No. 22-CM-002713 (Wis. Cir. Ct. May 24, 2023).

In December 2022, after an episode in which he fled from law enforcement, Holt was arrested on an outstanding warrant for violating the terms of his supervised release. For his flight from law enforcement, he served a one-year state sentence. In November 2023, upon Holt's release from state custody, the district judge revoked his second term of supervised release and imposed seventeen months' imprisonment with no additional supervised release.

Holt now appeals this revocation sentence. Though a defendant does not have an unqualified constitutional right to counsel in revocation proceedings, *see Gagnon v.*

¹ It appears that Holt received credit for the seven months he was to spend in prison: six months in detention awaiting the revocation hearing, and one month in custody on the state charges of disorderly conduct and resisting an officer.

Scarpelli, 411 U.S. 778, 789–90 (1973), our practice is to apply the *Anders* safeguards, see *United States v. Brown*, 823 F.3d 392, 394 (7th Cir. 2016).

Counsel reports that Holt’s appeal is moot because he is not in custody, having completed his seventeen-month prison sentence.² Counsel also confirms that Holt faces no additional supervision and that she is not aware of any collateral consequences of the revocation.

We agree with counsel that Holt’s appeal is moot. Because he is no longer in custody and does not face collateral consequences from the revocation of supervised release, this appeal can no longer provide him with relief. See *Spencer v. Kemna*, 523 U.S. 1, 7, 14–16 (1998); *United States v. Austin*, 93 F.4th 1034, 1035–36 (7th Cir. 2024).

We GRANT counsel’s motion to withdraw and DISMISS the appeal as moot.

² Holt apparently received 5 months’ credit from time spent in custody on a now-dismissed state charge, along with 12 months’ credit while serving his state sentence for fleeing from law enforcement.