

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-8072

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WILLIE LEWIS REESE,

Defendant - Appellant.

No. 09-7191

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WILLIE LEWIS REESE,

Defendant - Appellant.

Appeals from the United States District Court for the Western
District of North Carolina, at Charlotte. Robert J.
Conrad, Jr., Chief District Judge. (3:05-cr-00241-RJC-1;
3:07-cv-00507-RJC)

Submitted: December 29, 2009

Decided: January 12, 2010

Before MICHAEL, MOTZ, and SHEDD, Circuit Judges.

No. 08-8072 dismissed; No. 09-7191 affirmed by unpublished per curiam opinion.

Willie Lewis Reese, Appellant Pro Se. Keith Michael Cave,
OFFICE OF THE UNITED STATES ATTORNEY, Charlotte, North Carolina,
for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In these consolidated appeals, Willie Lewis Reese, a federal prisoner, appeals the district court's August 4, 2008 order denying his motion for release on bond pending the disposition of his 28 U.S.C.A. § 2255 (West Supp. 2009) motion (No. 08-8072) and May 15, 2009 order granting in part and denying in part his motion seeking leave to appeal in forma pauperis (No. 09-7191). The district court dismissed the § 2255 motion on October 16, 2008, while Reese's appeal in No. 08-8072 was pending in this court.

Although a district court order denying a § 2255 movant's request for release on bond pending the disposition of his § 2255 motion is an appealable collateral order, see United States v. Smith, 835 F.2d 1048, 1049-50 (3d Cir. 1987); Cherek v. United States, 767 F.2d 335, 337 (7th Cir. 1985), in light of the district court's dismissal of the § 2255 motion, Reese's appeal of the August 4, 2008 order denying his motion for release on bond is now moot. See Incumaa v. Ozmint, 507 F.3d 281, 285-86 (4th Cir. 2007) (setting forth the principles of appellate mootness). We therefore dismiss the appeal in No. 08-8072 as moot and deny leave to proceed in forma pauperis.

Turning to the district court's order granting in part and denying in part Reese's motion seeking leave to appeal in forma pauperis, we have reviewed the record and find no

reversible error. Accordingly, in No. 09-7191, we affirm for the reasons stated by the district court. United States v. Reese, No. 3:05-cr-00241-RJC-1 (W.D.N.C. May 15, 2009). However, we grant leave to appeal in forma pauperis. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

No. 08-8072 DISMISSED

No. 09-7191 AFFIRMED