

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-4346

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ERIC ANDRE FIELDS,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Wilmington. Robert B. Jones, Jr., Magistrate Judge. (7:11-cr-00125-F-4)

Submitted: October 3, 2013

Decided: October 21, 2013

Before KING, AGEE, and THACKER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Eric Andre Fields, Appellant Pro Se. Jennifer P. May-Parker, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Eric Andre Fields appeals the district court's pretrial detention order in his criminal case. The issue of pretrial detention is moot after a conviction. See Murphy v. Hunt, 455 U.S. 478, 481-82 (1982) (finding, in civil action seeking declaratory and injunctive relief related to denial of pretrial bail, that civil plaintiff's "claim to pretrial bail was moot once he was convicted"). Because Fields was convicted long before this appeal was docketed, we lack jurisdiction to address his challenge to his pretrial detention.

Fields also moves, pro se, for release pending the resolution of his appeal of the underlying criminal judgment, pending in No. 12-4724. A defendant seeking release pending appeal must first move for such relief in the district court. See United States v. Hochevar, 214 F.3d 342, 343-44 (2d Cir. 2000) (citing Fed. R. App. P. 9); 4th Cir. R. 9(b). Because Fields has not moved in the district court for release pending appeal, we deny the motion.

Accordingly, we dismiss the appeal for lack of jurisdiction. We also deny Fields' motion for release pending appeal, without prejudice to his ability to file such a motion in the district court. We dispense with oral argument because the facts and legal contentions are adequately presented in the

materials before this court and argument would not aid the decisional process.

DISMISSED