

## APPENDIX A

# United States Court of Appeals for the Fifth Circuit

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No. 25-50220  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

November 25, 2025

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

RICARDO ESQUIVEL,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 2:18-CR-2696-1

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Before DENNIS, HAYNES, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:\*

Ricardo Esquivel appeals the sentence imposed following the revocation of his supervised release. During the pendency of this appeal, Esquivel completed his revocation sentence and was released from custody.

We must examine the basis of our jurisdiction, sua sponte, when necessary. *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). Article III,

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

No. 25-50220

Section 2, of the Constitution limits federal jurisdiction to actual cases and controversies. *Spencer v. Kemna*, 523 U.S. 1, 7 (1998). The case-or-controversy requirement demands that “some concrete and continuing injury other than the now-ended incarceration or parole—some ‘collateral consequence’ of the conviction—must exist if the suit is to be maintained.” *Id.*

Because the district court did not impose an additional term of supervised release, there is no case or controversy for us to address. *See id.* at 8; *cf. United States v. Lares-Meraz*, 452 F.3d 352, 355 (5th Cir. 2006).

Accordingly, Esquivel’s appeal is DISMISSED as moot.

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
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NEW ORLEANS, LA 70130

November 25, 2025

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW

Regarding: Fifth Circuit Statement on Petitions for Rehearing  
or Rehearing En Banc

No. 25-50220 USA v. Esquivel  
USDC No. 2:18-CR-2696-1

Enclosed is a copy of the court's decision. The court has entered judgment under Fed. R. App. P. 36. (However, the opinion may yet contain typographical or printing errors which are subject to correction.)

Fed. R. App. P. 39 through 41, and Fed. R. App. P. 39, 40, and 41 govern costs, rehearings, and mandates. **Fed. R. App. P. 40 require you to attach to your petition for panel rehearing or rehearing en banc an unmarked copy of the court's opinion or order.** Please read carefully the Internal Operating Procedures (IOP's) following Fed. R. App. P. 40 for a discussion of when a rehearing may be appropriate, the legal standards applied and sanctions which may be imposed if you make a nonmeritorious petition for rehearing en banc.

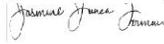
Direct Criminal Appeals. Fed. R. App. P. 41 provides that a motion for a stay of mandate under Fed. R. App. P. 41 will not be granted simply upon request. The petition must set forth good cause for a stay or clearly demonstrate that a substantial question will be presented to the Supreme Court. Otherwise, this court may deny the motion and issue the mandate immediately.

Pro Se Cases. If you were unsuccessful in the district court and/or on appeal, and are considering filing a petition for certiorari in the United States Supreme Court, you do not need to file a motion for stay of mandate under Fed. R. App. P. 41. The issuance of the mandate does not affect the time, or your right, to file with the Supreme Court.

Court Appointed Counsel. Court appointed counsel is responsible for filing petition(s) for rehearing(s) (panel and/or en banc) and writ(s) of certiorari to the U.S. Supreme Court, unless relieved of your obligation by court order. If it is your intention to file a motion to withdraw as counsel, you should notify your client promptly, **and advise them of the time limits for filing for rehearing and certiorari.** Additionally, you MUST confirm that this information was given to your client, within the body of your motion to withdraw as counsel.

Sincerely,

LYLE W. CAYCE, Clerk



By:

Jasmine J. Forman, Deputy Clerk

Enclosure(s)

Mr. Joseph Ostini  
Mr. Zachary Carl Richter  
Ms. Shane Wagman Romero

## APPENDIX B

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
DEL RIO DIVISION

UNITED STATES OF AMERICA                   §  
  §  
vs.   §     NO: DR:18-CR-02696(1)-AM  
  §  
(1) RICARDO ESQUIVEL                   §

**ORDER REVOKING SUPERVISED RELEASE  
AND RE-SENTENCING DEFENDANT**

On **March 17, 2025**, came on to be heard before the Court, the Government's Petition to Revoke the Defendant's term of supervised release filed on **June 24, 2024**. The defendant, **(1) RICARDO ESQUIVEL**, appeared with attorney **Angela Saad Lindsey**, and the government appeared by Assistant United States Attorney, **Jayvee Rhoda**, in the above-entitled and numbered criminal action.

The defendant pled not true to the Violations alleged in the Petition to Revoke Supervised Release.

The Court finds by a preponderance of the evidence, after having conducted an evidentiary final revocation hearing on March 17, 2025, that the defendant has violated the terms of supervised release as alleged in the said petition. Thus, the Government's petition to revoke will be and is hereby **GRANTED**.

It is hereby ORDERED that the terms of supervised release ordered on **October 3, 2019**, as set out in the judgment entered on **October 16, 2019**, being the same, is hereby revoked and set aside pursuant to the Sentencing Reform Act of 1984.

The Court has considered the policy statements contained in Chapter 7 of the Sentencing

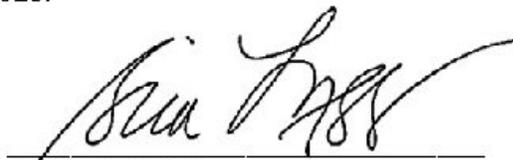
Guidelines Manual and finds the application to be inadequate.

Pursuant to the Sentencing Reform Act of 1984, it is the **ORDER** of the Court that the defendant, **(1) RICARDO ESQUIVEL** be committed to the custody of the U.S. Bureau of Prisons for a term of **Fifteen (15) months**, to run concurrently to the sentence imposed in DR-18-CR-02200(01).

No further term of supervised release is imposed.

The Court recommends that the defendant be incarcerated as close to San Antonio, Texas, as possible.

SIGNED on this **24th day of March, 2025**.



ALIA MOSES  
CHIEF U.S. DISTRICT JUDGE

**RETURN**

I have executed this Revocation Order as follows:

\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Order.

\_\_\_\_\_  
United States Marshal

By: \_\_\_\_\_  
Deputy Marshal