

FILED: December 19, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-4363
(1:14-cr-00497-ELH-2)

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BRANDON WADE MORAGNE-EL,

Defendant - Appellant.

O R D E R

Brandon Wade Moragne-El appeals the district court's order revoking his second term of supervised release and sentencing him to five months' imprisonment with no additional term of supervised release to follow. The Government moves to dismiss the appeal as moot because Moragne-El has completed his sentence. Moragne-El opposes the motion and moves to place his appeal in abeyance for our decision in No. 24-4261, *United States v. McLaurin*, and the Supreme Court's decision in No. 24-1056, *Rico v. United States*.

“A case becomes moot—and therefore no longer a ‘Case’ or ‘Controversy’ for purposes of Article III—when the issues presented are no longer ‘live’ or the parties lack a legally cognizable interest in the outcome.” *United States v. Ketter*, 908 F.3d 61, 65 (4th Cir. 2018) (internal quotation marks omitted). “If an event occurs while a case is pending on appeal that makes it impossible for the court to grant any effectual relief whatever to a prevailing party, the appeal must be dismissed.” *Incumaa v. Ozmint*, 507 F.3d 281, 286 (4th Cir. 2007) (citation modified).

Generally, “challenges to revocations of supervised release . . . become moot when the term of imprisonment for that revocation ends” and is not followed by another term of supervised release. *United States v. Hardy*, 545 F.3d 280, 284 (4th Cir. 2008); *see id.* at 282. Nevertheless, a defendant may satisfy the case-or-controversy requirement if he can show “some concrete and continuing injury other than the now-ended incarceration”—that is, “some collateral consequence of the [revocation].” *Spencer v. Kemna*, 523 U.S. 1, 7 (1998) (internal quotation marks omitted); *see id.* at 12-14 (refusing to extend presumption of collateral consequences to parole revocation). The defendant “bears the burden of demonstrating collateral consequences sufficient to meet Article III’s case-or-controversy requirement.” *Hardy*, 545 F.3d at 284 (internal quotation marks omitted).

We conclude that Moragne-El has not met this burden. *See Spencer*, 523 U.S. at 14 (rejecting argument that appeal was not moot because “the revocation could be used to [petitioner’s] detriment in a future parole proceeding” for sentence he was then serving, as this consequence was “still a possibility rather than a certainty or even a probability”); *United States v. Austin*, 93 F.4th 1034, 1036 (7th Cir. 2024) (applying *Spencer* to reject argument that appeal was not moot because defendant had pending state charges and “conceivably the length and propriety of his sentence for violating his federal supervised release w[ould] be factored into what, if any, sentence he receive[d]” (citation modified)). Accordingly, we grant the Government’s motion to dismiss the appeal as moot and deny Moragne-El’s motion to place the appeal in abeyance.

Entered at the direction of the panel: Judge Gregory, Judge Richardson, and Judge Heytens.

For the Court

/s/ Nwamaka Anowi, Clerk

FILED: January 23, 2026

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-4363
(1:14-cr-00497-ELH-2)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

BRANDON WADE MORAGNE-EL

Defendant - Appellant

O R D E R

The court denies the petition for rehearing.

Entered at the direction of the panel: Judge Gregory, Judge Richardson, and
Judge Heytens.

For the Court

/s/ Nwamaka Anowi, Clerk