

April 25, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-21251
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CEDRICK RODGERS,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-99-CR-737-2

Before HIGGINBOTHAM, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:*

Cedrick Rodgers, federal prisoner # 87976-079 (Rodgers), has appealed the district court's order denying Rodgers' request for bail pending the district court's consideration of his motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. While this appeal was pending, the district court denied Rodgers' 28 U.S.C. § 2255 motion. Accordingly, this appeal is now moot. See Rocky v. King, 900 F.2d 864, 866-67 (5th Cir.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

1990); Bailey v. Southerland, 821 F.2d 277, 278 (5th Cir. 1987).

Because the appeal is moot, it is DISMISSED.

APPEAL DISMISSED.

Appellant's motion to dismiss is GRANTED; his counsel's motion to withdraw is also GRANTED.