

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-31188
Conference Calendar

FREDERICK LOUIS MILLER,

Petitioner-Appellant,

versus

STATE OF ARIZONA,

Respondent-Appellee.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 01-CV-1088

August 21, 2002

Before HIGGINBOTHAM, DAVIS, and PARKER, Circuit Judges.

PER CURIAM:*

Frederick Louis Miller, federal prisoner # 21578-034, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. In his petition, Miller sought to test the legality of a proposed extradition order stemming from drug charges in the State of Arizona. The district court dismissed Miller's petition without prejudice because Miller conceded that he had failed to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

exhaust his state remedies with respect to the proposed extradition order.

This court is obligated to address issues of jurisdiction, including mootness, prior to addressing the merits of an appeal. Goldin v. Bartholow, 166 F.3d 710, 714 (5th Cir. 1999). Miller states in his brief that the extradition order was never actually issued and that the State of Arizona dismissed the charges pending against him. Accordingly, Miller's appeal from the district court's order dismissing his petition is moot. See McFarland v. Collins, 8 F.3d 256, 257 (5th Cir. 1993). Additionally, Miller has failed to show any error in the district court's judgment. See, e.g., Moody v. Johnson, 139 F.3d 477, 480 (5th Cir. 1998).

APPEAL DISMISSED AS MOOT.