

September 29, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-10361
Summary Calendar

DAVID EUGENE EDWARDS,

Petitioner-Appellant,

versus

JIM BOWLES, Sheriff,

Respondent-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:03-CV-2624-M

Before JOLLY, HIGGINBOTHAM, and PICKERING, Circuit Judges.

PER CURIAM:*

David Eugene Edwards filed a habeas corpus petition in the district court challenging orders, issued by the governor of Texas and a Texas state court, that he be extradited from the State of Texas to Santa Clara County, California, to face criminal charges in that county. The district court denied Edwards' petition. This court has previously denied Edwards' request for a stay of extradition pending this appeal, both

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

initially and on rehearing. Edwards is currently in the custody of the Santa Clara County Department of Corrections.

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). Because Edwards has already been extradited to California, there is no relief this court can grant, and Edwards' appeal is dismissed as moot. See Schlang v. Heard, 691 F.2d 796, 799 & n.6 (5th Cir. 1982). His pending motion for the expedited consideration of his appeal is also denied as moot.

APPEAL DISMISSED AS MOOT; MOTION DENIED AS MOOT.