

FILED

February 8, 2006

Charles R. Fulbruge III
Clerk

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

04-10615

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

BENJAMIN JOHN BOYLE,

Defendant-Appellant.

Appeal from the United States District Court for the
Northern District of Texas
4:02-cr-00199

Before GARWOOD, DeMOSS, and BENAVIDES, Circuit Judges.

PER CURIAM:*

In this appeal, Appellant Benjamin Boyle seeks only a review of the length of his sentence. After the appeal was docketed and briefs filed by the parties and before the Court could issue an opinion on the merits, Appellant's sentence expired and he has been released from custody. The counsel of record agree and we also conclude that since Appellant's sentence expired during the course of the proceeding that the case is moot. *Lane v. Williams*, 455

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

U.S. 624, 631 (1982).

APPEAL DISMISSED AS MOOT.