

May 17, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-11269
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DANIEL LEE BROWN,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:04-CR-19-1

Before SMITH, GARZA, and PRADO, Circuit Judges.

PER CURIAM:*

Daniel Lee Brown appeals from the district court's revocation of his supervised release term. The Federal Public Defender appointed to represent Brown filed a motion for leave to withdraw and a brief as required by Anders v. California, 386 U.S. 738 (1967). Brown has not filed a response.

We note that while this appeal was pending, Brown was released from prison. Because mootness implicates the Article III requirement that there be a live case or controversy, it is a jurisdictional matter which we must raise sua sponte if

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

necessary. Bailey v. Southerland, 821 F.2d 277, 278 (5th Cir. 1987); see also Spencer v. Kemna, 523 U.S. 1, 7 (1998). Because the record reflects that Brown has been released and is not subject to any additional term of supervised release, there is no case or controversy for this court to address. See Bailey, 821 F.2d at 278; cf. United States v. Gonzalez, 250 F.3d 923, 928 (5th Cir. 2001). Accordingly, we DISMISS the appeal AS MOOT.