

June 8, 2007

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 04-40504  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MIGUEL ANGEL VENCES,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 1:03-CR-941-ALL  
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ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

Before KING, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:\*

We have twice affirmed the sentence of Miguel Vences following his guilty plea to attempted illegal reentry. United States v. Vences, No. 04-40504 (5th Cir. Aug. 24, 2005) (unpublished); United States v. Vences, No. 04-40504 (5th Cir. Dec. 16, 2004) (unpublished). The Supreme Court recently vacated and remanded for further consideration in light of Lopez v. Gonzales, 127 S. Ct. 625 (2006). We requested and received supplemental letter briefs addressing the impact of Lopez.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Counsel for Vences represents that during the pendency of his appeal, Vences was released from federal custody and removed from the United States, leaving him subject only to an undischarged term of supervised release. Because Vences has requested relief in the form of resentencing, relief we cannot grant, his appeal is moot. United States v. Rosenbaum-Alanis, \_\_F.3d\_\_, No. 05-41400, 2007 WL 926832, at \*2 (5th Cir. Mar. 29, 2007).

APPEAL DISMISSED.