

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-5112

CALUM IAN INNES,

Plaintiff-Appellant,

versus

UNITED STATES OF AMERICA,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Louisiana
(93 CV 626)

(August 5, 1994)

Before WIENER, EMILIO M. GARZA, and BENAVIDES, Circuit Judges.

PER CURIAM*

After reading the briefs submitted on behalf of the parties by able counsel, listening to their oral arguments, and reviewing the record in this case, we perceive no reversible error of fact or law or the part of the district court and therefore dismiss the instant appeal as moot. The concept of voluntary cessation is here

*Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

inapposite, as the government never ceased but in fact continued to press for the extradition of Plaintiff-Appellant. His failure to submit a timely motion to this court for a stay of extradition pending appeal was determinative. In the absence of such a stay, the government was at liberty to extradite the Plaintiff-Appellant to France and did so, thereby terminating the jurisdiction of this court and rendering the instant appeal moot.

DISMISSED as moot.