

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-41056
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TROY DONOVAN BOUNDS,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. V-94-CR-1-2
- - - - -

April 17, 1997

Before REAVLEY, DAVIS, and BARKSDALE, Circuit Judges.

PER CURIAM:*

The Government's motion for the dismissal of Troy Donovan Bounds's appeal from the denial of his motion for the return of property under FED. R. CRIM. P. 41(e) is DENIED. Bounds's notice of appeal was timely filed. *Hunt v. United States Dep't of Justice*, 2 F.3d 96, 97 (5th Cir. 1993).

Bounds concedes that the property he seeks to have returned has been destroyed. His appeal therefore is moot. See *Rocky v. King*, 900 F.2d 864, 867 (5th Cir. 1990). Because the appeal is

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

No. 96-41056

- 2 -

moot, it is DISMISSED.