

October 24, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-11372
Conference Calendar

RONALD D. KELLY,

Petitioner-Appellant,

versus

DAN JOSLIN, Warden,

Respondent-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:05-CV-1402

Before JOLLY, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

Ronald D. Kelly, federal prisoner # 15592-064, appeals the district court's dismissal of his 28 U.S.C. § 2241 petition. Kelly pleaded guilty in the Western District of Oklahoma to possession with the intent to manufacture a controlled substance. His § 2241 petition challenged the constitutionality of his sentence in light of United States v. Booker, 543 U.S. 220 (2005).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

On direct appeal, Kelly's sentence was vacated under Booker, and the matter was remanded for resentencing. United States v. Kelly, 159 F. App'x 864, 867-68 (10th Cir. 2005). As Kelly has received all of the relief he was seeking in his § 2241 petition, his appeal is moot. See McRae v. Hogan, 576 F.2d 615, 616-17 (5th Cir. 1978). Accordingly, this appeal is DISMISSED as moot.