

June 21, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-30464  
Conference Calendar

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JOAO LUIS TAVARES,

Petitioner-Appellant,

versus

ALBERTO R. GONZALES, U.S. ATTORNEY GENERAL; UNITED STATES  
DEPARTMENT OF HOMELAND SECURITY; MICHAEL GARCIA; SCOTT  
SUTTERFIELD; BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT,

Respondents-Appellees.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 2:05-CV-243  
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Before STEWART, DENNIS, and OWEN, Circuit Judges.

PER CURIAM:\*

Joao Luis Tavares, an immigration detainee, filed a complaint for declaratory relief and petition for writ of habeas corpus in the district court seeking release from the federal detention center in Oakdale, Louisiana. After the petition was denied and dismissed by the district court, Tavares gave timely notice of his appeal.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The Government has filed notice that the immigration proceedings against Tavares have been terminated and that Tavares has been released from custody. Tavares has filed a response to the notice. Because the immigration proceedings have been terminated and Tavares has been released from custody, the case no longer presents a live case and controversy. See Spencer v. Kemna, 523 U.S. 1, 7 (1998). The appeal is DISMISSED AS MOOT.