

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-51076
Conference Calendar

ROBERT F. STEWART-ODOM,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. A-97-CV-805
- - - - -

October 21, 1998

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:*

Robert Frank Stewart-Odom, Sr., filed a notice of appeal from the district court denial of his pretrial petition for federal habeas relief pursuant to 28 U.S.C. § 2241. Because a judgment of conviction has been rendered against Stewart-Odom, his bail issue is moot. See United States v. Ramirez, 145 F.3d 345, 356 (5th Cir. 1998). To the extent that Stewart-Odom's speedy-trial, ineffective-assistance, and prosecutorial-misconduct claims are not mooted by his conviction and sentence, he has failed to brief the only issue relevant to the instant

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

appeal - the district court's denial of his pretrial habeas petition for failure to exhaust administrative remedies. Stewart-Odom's appeal is without arguable merit and therefore frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. See 5th Cir. R. 42.2. Accordingly, Stewart-Odom's motions for appointment of appellate counsel are DENIED.

APPEAL DISMISSED; MOTIONS FOR APPOINTMENT OF COUNSEL DENIED.