

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

October 29, 2012

Lyle W. Cayce
Clerk

No. 11-20473
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JUAN JOSE DE LA CRUZ,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:06-CR-455-2

Before SMITH, DENNIS, and HAYNES, Circuit Judges.

PER CURIAM:*

Juan Jose De La Cruz appeals the 15-month sentence imposed upon revocation of supervised release. “This Court must examine the basis of its jurisdiction, on its own motion, if necessary.” *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). The website of the Bureau of Prisons shows that De La Cruz was released from prison on June 20, 2012, and the district court imposed no further term of supervised release. Therefore, De La Cruz has no “concrete and continuing injury,” and there is no case or controversy over which this court may exercise jurisdiction under Article III, § 2, of the Constitution. *See Spencer v. Kemna*, 523 U.S. 1, 7 (1998). Consequently, the appeal is DISMISSED as MOOT.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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