

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

No. 18-40240
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 15, 2019

Lyle W. Cayce
Clerk

RONNIE ARTURO GODOY,

Petitioner-Appellant

v.

F. LARA, Warden,

Respondent-Appellee

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:16-CV-493

Before HIGGINBOTHAM, ELROD, and DUNCAN, Circuit Judges.

PER CURIAM:*

As a result of prison officials finding that he failed a drug test while on home confinement release, Ronnie Arturo Godoy, federal prisoner # 59771-008, was reincarcerated and lost a one-year credit he had received for completing an in-custody drug treatment program. Godoy filed a 28 U.S.C. § 2241 petition challenging the result of his disciplinary hearing and a subsequent rehearing. The district court determined that summary judgment for the respondent was

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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appropriate given that Godoy failed to exhaust his claims through the Bureau of Prison's (BOP) administrative remedy program, notwithstanding Godoy's argument that an exception to the exhaustion requirement applied. Therefore, the court dismissed the petition. Godoy appeals. He also moves to file an out-of-time reply brief.

"This [c]ourt must examine the basis of its jurisdiction," including whether Godoy's appeal is moot. *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987); *see United States v. Heredia-Holguin*, 823 F.3d 337, 340 (5th Cir. 2016) (en banc). Godoy's § 2241 petition challenges the basis for his reincarceration and seeks, as a remedy, his release from custody and the reinstatement of his sentence credit. The BOP website shows that Godoy was released from custody during the pendency of this appeal. *See United States v. Booker*, 645 F.3d 328, 328 (5th Cir. 2011) (per curiam); *Shokeh v. Thompson*, 375 F.3d 351, 351-52 (5th Cir. 2004). Thus, even if he prevails on the merits, this court is unable to grant Godoy any effective relief. *See Heredia-Holguin*, 823 F.3d at 340. Accordingly, we DISMISS the appeal as moot, and we DENY the motion for leave to file an out-of-time reply brief.

APPEAL DISMISSED; MOTION DENIED.