

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-7844

LUCIUS EDWARD ALSTON, JR.,

Petitioner - Appellant,

versus

VANESSA ADAMS,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. James C. Cacheris, Senior District Judge. (CA-05-551-1)

Submitted: April 27, 2006

Decided: May 4, 2006

Before NIEMEYER and MOTZ, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Lucius Edward Alston, Jr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Lucius Edward Alston, Jr., filed this 28 U.S.C. § 2241 (2000) petition against Vanessa Adams, the warden at the Petersburg Federal Correctional Complex, challenging the fact that when his federal detention ended he would be turned over to Virginia authorities. Alston contends that he owes Virginia no time. While this appeal was pending, Alston was released from federal custody and is now being held by Virginia authorities.

The Constitution limits the jurisdiction of federal courts to actual cases or controversies. U.S. Const. art. III, § 2; Honig v. Doe, 484 U.S. 305, 317 (1988). The controversy must be present at all stages of review. Arizonans for Official English v. Arizona, 520 U.S. 43, 66 (1997). When a case becomes moot after judgment in the district court, the appellate court has no jurisdiction to hear the appeal. Mellen v. Bunting, 327 F.3d 355, 363-64 (4th Cir. 2003).

As Alston is no longer held in federal custody, his action against Adams is moot. Any relief he seeks against Virginia must be filed against a state defendant after exhaustion of his state remedies. 28 U.S.C. § 2254 (2000). Accordingly, we dismiss the appeal as moot. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED