

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals

Fifth Circuit

FILED

August 28, 2007

Charles R. Fulbruge III
Clerk

No. 06-10291
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

EVYAN WALLACE

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:05-CR-68-ALL

Before JOLLY, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

Evyan Wallace appeals the sentence he received upon revocation of his term of supervised release. He argues that the sentence is unreasonable because it exceeds the sentencing range recommended by the relevant policy statements in the Sentencing Guidelines and because the district court failed to specify its reasons for the sentence. The Government moves to dismiss the appeal or for summary affirmance on the basis that we lack jurisdiction to consider it under 18 U.S.C. § 3742(a)(4). Wallace has served the entirety of his sentence and 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

released from prison on February 6, 2007. Because the issue raised in Wallace's appeal is moot, the appeal is DISMISSED. See *Spencer v. Kemna*, 523 U.S. 1, 7, 15 (1998). The Government's motions are DENIED.