

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

United States Court of Appeals
Fifth Circuit

FILED

March 15, 2010

No. 08-20599

Summary Calendar

Charles R. Fulbruge III
Clerk

HUEY P WALTERS,

Petitioner-Appellant

v.

RICK THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE,
CORRECTIONAL INSTITUTIONS DIVISION,

Respondent-Appellee

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:05-CV-1026

Before GARZA, CLEMENT, and OWEN, Circuit Judges.

PER CURIAM:*

Huey Walters, Texas prisoner # 501052, was convicted in 1987 of aggravated sexual assault and was sentenced to 60 years in prison. Walters appeals the district court's denial of his 28 U.S.C. § 2254 petition, arguing that prison officials (1) had failed to award all of the good-time credits to which he was entitled upon his completion of an education program in December 2003 and (2) had failed to backdate the award of those credits to his sentence-begin date,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

in violation of the Fifth Amendment's Due Process and Ex Post Facto Clauses and of the Fourteenth Amendment. We granted a certificate of appealability on the first issue only. *Walters v. Quarterman*, No. 08-20599 (5th Cir. June 17, 2009) (unpublished).

During the pendency of this appeal, Walters was released from prison to mandatory supervision. As a result, Walters's appeal has been rendered moot. *See Spencer v. Kemna*, 523 U.S. 1, 7 (1998); *Bailey v. Southerland*, 821 F.2d 277, 278-79 (5th Cir. 1987). Accordingly, the APPEAL is DISMISSED as MOOT. Walters's motion to expedite the appeal is DENIED.