

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

United States Court of Appeals
Fifth Circuit

FILED

September 16, 2011

No. 08-50334
Summary Calendar

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

LEVENSTON HALL,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 6:98-CR-6-ALL

Before GARZA, SOUTHWICK, and HAYNES, Circuit Judges.

PER CURIAM:*

Levenston Hall, federal prisoner # 82299-080, moves for leave to proceed in forma pauperis (IFP) in this appeal from the district court's order granting his motion under 18 U.S.C. § 3582(c)(2), in which he sought a reduction in his sentences for possession with intent to distribute cocaine base (crack cocaine) and distribution of crack cocaine. The district court reduced his sentences to 188 months of imprisonment pursuant to recent amendments to the crack cocaine guidelines.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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The website of the Bureau of Prisons shows that Hall was released from prison on September 3, 2010. “Where a defendant has begun serving a term of supervised release, the appeal of the denial of his § 3582(c)(2) motion is moot.” *United States v. Booker*, 645 F.3d 328, 328 (5th Cir. 2011). Here, as with the defendant in *Booker*, Hall “makes no mention of his term of supervised release and does not argue that it should be terminated; his arguments pertain only to relief under § 3582(c)(2). Any termination of supervised release must be sought by a motion under 18 U.S.C. § 3583(e)(1).” *Booker*, 645 F.3d at 328.

IT IS ORDERED that Hall’s motion to proceed IFP is DENIED as unnecessary and the appeal is DISMISSED as moot.