

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

United States Court of Appeals
Fifth Circuit

FILED

February 12, 2010

Charles R. Fulbruge III
Clerk

No. 09-50143

Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ERIK RAMIREZ-RODRIGUEZ,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:06-CR-2017-1

Before GARZA, DENNIS, and ELROD, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Erik Ramirez-Rodriguez has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Ramirez-Rodriguez has been deported from the United States and has not filed a response.

“This Court must examine the basis of its jurisdiction, on its own motion, if necessary.” *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). Article III, section 2, of the Constitution limits federal court jurisdiction to actual cases and

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

controversies. *Spencer v. Kemna*, 523 U.S. 1, 7 (1998). The case-or-controversy requirement demands that “some concrete and continuing injury other than the now-ended incarceration or parole—some ‘collateral consequence’ of the conviction—must exist if the suit is to be maintained.” *Id.* at 7.

Upon revoking his supervised release, the district court sentenced Ramirez-Rodriguez to 10 months of imprisonment, but the court did not impose any additional term of supervised release. During the pendency of this appeal, Ramirez-Rodriguez completed his term of imprisonment and has been deported. Accordingly, there is no case or controversy for us to address.

For the foregoing reasons, this appeal is DISMISSED as moot, and counsel’s motion to withdraw is DENIED as unnecessary.