

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

United States Court of Appeals  
Fifth Circuit

**FILED**

April 6, 2010

Lyle W. Cayce  
Clerk

\_\_\_\_\_  
No. 09-60389

Summary Calendar  
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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

DONALD CLARK, also known as "Little Don",

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Northern District of Mississippi  
USDC No. 4:04-CR-120-1  
\_\_\_\_\_

Before DeMOSS, PRADO, and HAYNES, Circuit Judges.

PER CURIAM:\*

Donald Clark, federal prisoner # 12044-042, appeals the district court's judgment denying his motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c)(2) based on the amendment to the crack cocaine guideline.

Clark pleaded guilty on November 9, 2004. He was sentenced to sixty months of imprisonment and four years of supervised release on February 10, 2005. Judgment was entered February 16, 2005. Clark served his sentence and was released from incarceration on May 29, 2009.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

While neither party raises jurisdiction, we are obligated to *sua sponte* determine whether this case is moot. *See Johnson v. Pettiford*, 442 F.3d 917, 918 (5th Cir. 2006) (citation omitted). Because Clark has completed the confinement portion of his sentence, his argument that the district court abused its discretion in denying his motion for reduction of sentence is moot. *See id.* At most, we could determine whether Clark is entitled to a reduction in the term of supervised release, which he is currently serving. *See id.* However, the amendments to the crack cocaine sentencing guidelines nowhere provide for the reduction of a term of supervised release for already-completed sentences, nor does Clark argue that he is entitled to a reduction in his term of supervised release. *See* U. S. Sentencing Guidelines Manual § 2D1.1 (2007); *id.* Supp. to App'x C, Amend. 706.

Accordingly, Clark's appeal is DISMISSED as moot.