

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

United States Court of Appeals  
Fifth Circuit

**FILED**

December 8, 2010

Lyle W. Cayce  
Clerk

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No. 10-10469  
Summary Calendar

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MARIO LEMUS,

Petitioner-Appellant

v.

ERIC H. HOLDER, JR., U.S. ATTORNEY GENERAL; DEPARTMENT OF  
HOMELAND SECURITY; BUREAU OF CUSTOMS & IMMIGRATION  
ENFORCEMENT AGENCY,

Respondents-Appellees

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 5:09-CV-209

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Before GARWOOD, PRADO and HAYNES, Circuit Judges.

PER CURIAM:\*

Mario Lemus, formerly federal prisoner # 56398-019, appeals from the denial of relief in his action, filed in September 2009, seeking recognition that he is an American citizen so that he could have access to prison programs that allow for early release or halfway house placement. He sought transfer to a

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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facility where he could avail himself of such programs. He also sought removal of an immigration detainer against him.

“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). Lemus’s July 2010 release rendered moot his 28 U.S.C. § 2241 claims. *See Rocky v. King*, 900 F.2d 864, 867 (5th Cir. 1990). Lemus’s claim regarding the removal of the immigration detainer, whether brought under section 2241 or any other provision of law, was rendered moot by his September 2010 removal to Mexico. *See id.*

APPEAL DISMISSED.