

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

United States Court of Appeals  
Fifth Circuit

**FILED**

December 28, 2011

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No. 10-10680  
Summary Calendar

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Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

FREDDIE EARL HAYES,

Defendant-Appellant

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 5:00-CR-47-1

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Before GARZA, SOUTHWICK, and HAYNES, Circuit Judges.

PER CURIAM:\*

Freddie Earl Hayes appeals the district court's judgment revoking his term of supervised release and sentencing him to 18 months of imprisonment. He argues that the district court plainly erred in considering punishment in imposing his sentence. During the pendency of this appeal, Hayes completed his sentence of imprisonment, and he has no further term of imprisonment or supervised release to serve. The appeal is, therefore, moot. *See Spencer v.*

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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*Kemna*, 523 U.S. 1, 7, 14 (1998); *Bailey v. Southerland*, 821 F.2d 277, 278 (5th Cir. 1987). Accordingly, the APPEAL IS DISMISSED.