

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

No. 15-50611

United States Court of Appeals
Fifth Circuit

FILED

August 25, 2016

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff–Appellee,

versus

RONALD MEJIA-HERNANDEZ,

Defendant–Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:15-CR-68-1

Before SMITH, WIENER, and GRAVES, Circuit Judges.

PER CURIAM:*

The issue on appeal is whether 18 U.S.C. § 16(b) is unconstitutionally vague under *Johnson v. United States*, 135 S. Ct. 2551 (2015). This matter was

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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put on hold awaiting a decision in No. 15-40041. That appeal has now been decided. *See United States v. Gonzalez-Longoria*, 2016 U.S. App. LEXIS 14460 (5th Cir. Aug. 5, 2016) (en banc) (holding against vagueness).

The parties have filed, at the court's request, letter briefs addressing the proper disposition. The appellant's attorney, the Federal Public Defender, advises that the case is moot, irrespective of the opinion in *Gonzalez-Longoria*, because the appellant has completed his term of imprisonment, has been released from federal custody, and presumably has been deported, and he did not challenge the unexpired period of supervised release. *See United States v. Heredia-Holguin*, 823 F.3d 337, 343 n.3 (5th Cir. 2016) (en banc). The government urges affirmance or, in the alternative, dismissal for mootness.

The appeal is DISMISSED as moot.