



shows that defendant does not challenge his conviction. Rather, the only aspect of his sentence that defendant challenges is the imposition of a five month term of imprisonment. The five month sentence expired on or about January 1, 2007. Consequently, the matter is now moot. *See Lane v. Williams*, 455 U.S. 624, 631 (1982). “If a prisoner does not challenge the validity of the conviction but rather only challenges his sentence or some aspect of it, the request for relief is moot once the challenged portion of the sentence has expired.” *United States v. Manogg*, 1993 U.S. App. LEXIS 6980, \*2 (6<sup>TH</sup> Cir. Mar. 26, 1993) (citing *Lane*, 455 U.S. at 631).

Moreover, even if the time the defendant served in prison was found to be excessive, that time cannot be credited to the defendant’s time of supervised release. *See United States v. Johnson*, 529 U.S. 53, 60 (2000). Therefore, defendant’s period of supervised release would still be two years and there is no relief which can be granted to him. *See* U.S.S.G. § 5D1.2(a)(2) (“[I]f a term of supervised release is ordered, the length of the term shall be: . . . (2) At least two years but not more than three years for a defendant convicted of a Class C or D felony.”). Because defendant has shown no injury which can be redressed, his appeal is dismissed as moot.