

August 28, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-51165
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TONY MATTHEW WARD, also known as Tony Matthew
Spurlock,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:00-CR-492-ALL

Before DAVIS, SMITH, and WIENER, Circuit Judges.

PER CURIAM:*

Tony Matthew Ward appeals the 24-month sentence the district court imposed when it revoked his supervised release.

"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). The United States Constitution limits this court's jurisdiction to live cases and controversies. U.S. CONST. art. III, § 2. The case-or-controversy requirement demands "that some concrete and continuing injury other than the now-ended

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

incarceration or parole -- some 'collateral consequence' of the conviction -- must exist if the suit is to be maintained."

Spencer v. Kemna, 523 U.S. 1, 7 (1998).

During the pendency of this appeal, Ward completed his imprisonment term, and he has been released from the custody of the Bureau of Prisons. The district court's order revoking Ward's term of supervised release imposed no further term of supervised release. Accordingly, there is no case or controversy for this court to address, and the appeal is DISMISSED AS MOOT.