

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

August 18, 2009

Charles R. Fulbruge III  
Clerk

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No. 08-40818

Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MARCO GARCIA-ECHAVERRIA,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 7:06-CR-1122-ALL

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Before HIGGINBOTHAM, DAVIS, and CLEMENT, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Marco Garcia-Echaverria has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Garcia-Echaverria has not filed a response.

“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). Article III, section 2, of the Constitution limits federal court jurisdiction to actual cases and

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

controversies. *Spencer v. Kemna*, 523 U.S. 1, 7 (1998). The case-or-controversy requirement demands that “some concrete and continuing injury other than the now-ended incarceration or parole – some ‘collateral consequence’ of the conviction – must exist if the suit is to be maintained.” *Id.*

Counsel asserts that there are no nonfrivolous issues relating to the district court’s revocation of Garcia-Echaverria’s supervised release and sentence of three months in prison. During the pendency of this appeal, Garcia-Echaverria completed his three-month term of imprisonment. The judgment imposed no further supervised release term. Accordingly, there is no case or controversy for this court to address, and this appeal is DISMISSED as moot. Counsel’s motion to withdraw is DENIED as unnecessary.