

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

January 30, 2008

No. 07-50347
Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

NABOR RODRIGUEZ-DE LEON

Defendant-Appellant

Appeal from the United States District Court
For The Western District of Texas, El Paso
USDC No. 3:06-CR-2234-ALL

Before JONES, Chief Judge, and HIGGINBOTHAM and CLEMENT, Circuit
Judges.

PER CURIAM:*

This is an appeal raising the sole question whether appellant's illegal reentry sentence was improperly enhanced by the court's deeming his prior Colorado drug possession conviction "a crime of violence". According to the Bureau of Prisons website, appellant is scheduled to complete his term of imprisonment on January 21, 2008. Because his release is imminent or has

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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occurred, this court cannot usefully grant the only relief to which appellant would have been entitled: re-sentencing.

Because no effective judicial remedy exists, we must DISMISS this appeal as MOOT.

DISMISSED.