

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

September 18, 2007

Charles R. Fulbruge III
Clerk

No. 05-41772
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JORGE ANTONIO OLIVA-MORALES,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
No. 1:05-CR-467-ALL

Before REAVLEY, SMITH, and BARKSDALE, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Jorge Oliva-Morales has moved for leave to withdraw and has filed a brief in accordance with Anders

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

v. California, 386 U.S. 738 (1967). Oliva-Morales has not filed a response. Although Oliva-Morales has been released from prison and removed from the United States, his appeal is not moot for purposes of our review. See *Spencer v. Kemna*, 523 U.S. 1, 7-12 (1998); *United States v. Rosenbaum-Alanis*, 483 F.3d 381, 383 (5th Cir. 2007); *United States v. Lares-Meraz*, 452 F.3d 352, 355 (5th Cir. 2006).

Our independent review of the record and counsel's brief discloses no non-frivolous issue for appeal. Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the appeal is DISMISSED. See 5TH CIR. R. 42.2.