

**F I L E D**

June 22, 2004

Charles R. Fulbruge III  
Clerk

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

---

No. 03-30859

---

MOUSA ELIAS SALAMEH SHOKEH,

Petitioner - Appellant,

versus

CARYL THOMPSON; DAVID VENTURELLA; JAMES W. ZIGLAR; BUREAU OF  
IMMIGRATION AND CUSTOMS ENFORCEMENT; JOHN ASHCROFT,

Respondents - Appellees.

---

Appeal from the United States District Court  
for the Western District of Louisiana

---

Before HIGGINBOTHAM, DENNIS, and CLEMENT, Circuit Judges.

PER CURIAM:

Mousa Elias Salameh Shokeh (“Shokeh”) appeals the district court’s denial of his *pro se* 28 U.S.C. § 2241 habeas petition, arguing that the district court erred in holding that his post-removal-order release was permissibly conditioned on his posting \$5,000 bond. An opinion in this case was filed on May 10, 2004. Before the mandate was issued, however, facts became available to the Court that renders the case moot: on March 12, 2004, Shokeh was released without bond. As a result, we

VACATE the previously filed opinion in this case. *See United States v. Miller*, 685 F.2d 123, 124 (5th Cir. 1982). Further, we VACATE the district court's ruling, and DISMISS the action. *United States v. Munsingwear, Inc.*, 340 U.S. 36, 39 (1950); *Murphy v. Fort Worth Indep. Sch. Dist.*, 334 F.3d 470, 471 (5th Cir. 2003).