

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-40111
Conference Calendar

GREGORY A. SHANAFELT,

Plaintiff-Appellant,

versus

JOHN CORNYN, Attorney General of Texas;
TERRY BOX, Collin County Sheriff; MARK
SANDERSON,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:99-CV-279

October 26, 2001

Before WIENER, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

The district court, on limited remand from this court, granted petitioner's Fed. R. Civ. P. 59(e) motion and reopened this matter. Because the judgment which is the subject of this appeal has been vacated, the instant appeal does not present a live controversy and should be dismissed as moot. See Rocky v. King, 900 F.2d 864, 867 (5th Cir. 1990).

APPEAL DISMISSED AS MOOT.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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