

July 27, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-10517
Summary Calendar

ROBERT J. GRODEN,

Plaintiff-Counter Defendant-Appellee,

versus

JACKIE DIANE ALLEN; ET AL.,

Defendants,

RICHARD BRENTON TOBIAS,

Defendant-Counter Claimant-Appellant.

Appeals from the United States District Court
for the Northern District of Texas
USDC No. 3:03-CV-1685-R

Before DAVIS, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Richard Brenton Tobias, a sanctioned litigant, requests permission to proceed in forma pauperis on appeal of the district court's imposition of a six-month sentence of imprisonment for contempt of court. Tobias also requests consolidation of this appeal with case number 04-10872, emergency relief from the contempt order, and a stay of judgment and contempt order.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Article III, § 2, of the Constitution limits federal court jurisdiction to actual cases and controversies. See 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. (citations omitted).

Tobias has served the sentence that was imposed pursuant to the district court's finding of contempt. Accordingly, there is no case or controversy for this court to address. The appeal and Tobias's various motions are rendered moot. See Spencer, 523 U.S. at 7. Accordingly, the appeal is DISMISSED. Tobias's motion to proceed as a sanctioned litigant is DENIED. All other outstanding motions are DENIED.