

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

United States Court of Appeals
Fifth Circuit

FILED

April 17, 2009

Charles R. Fulbruge III
Clerk

No. 08-50460
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

MICHAEL PAUL CARNEGARY

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:03-CR-89-1

Before JOLLY, BENAVIDES, and HAYNES, Circuit Judges.

PER CURIAM:*

Michael Paul Carnegary has completed a 78-month sentence for distribution of a controlled substance within 1,000 feet of a park. He appeals the district court's determination that his sentence should not be reduced under 18 U.S.C. § 3582(c)(2). He asks this court to vacate his sentence and to remand for resentencing. Because Carnegary was released from prison on March 20, 2009,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

we DISMISS the appeal as moot. *See In re Scruggs*, 392 F.3d 124, 128 (5th Cir. 1994).