

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

November 24, 2009

Charles R. Fulbruge III
Clerk

No. 08-50703
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ANTHONY DEAN FULLER,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
No. 6:03-CR-61-ALL

Before DAVIS, SMITH, and DENNIS, Circuit Judges.

PER CURIAM:*

Anthony Fuller, Texas prisoner # 1256985, seeks to proceed *in forma pauperis* (“IFP”) from the denial of his motion to correct written judgment, which

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

challenged the June 4, 2008, amended judgment. In the amended judgment, the district court directed that Fuller's federal sentence for being a felon in possession of a firearm was to run consecutively to his state sentence for aggravated sexual assault.

After remand to the district court for assignment of reasons for the denial of the motion to correct, the district court withdrew the amended judgment. Because that withdrawal provides the relief that Fuller seeks on appeal, the appeal is moot. *See United States v. Clark*, 193 F.3d 845, 847 (5th Cir. 1999); *Bailey v. Southerland*, 821 F.2d 277, 278 (5th Cir. 1987). The motion to proceed IFP is also moot.

APPEAL DISMISSED AS MOOT; IFP DENIED AS MOOT.