

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-21049
Summary Calendar

GENE E HOWLAND,

Plaintiff-Appellant,

VERSUS

FEDERAL BUREAU OF INVESTIGATION; DEPARTMENT OF JUSTICE;
UNITED STATES OF AMERICA,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
(H-96-CV-4507)

November 8, 1999

Before DAVIS, DUHÉ, and DeMOSS, Circuit Judges:

PER CURIAM:¹

Gene E. Howland, Texas Prisoner #763638, appeals the district court's order to dismiss as moot his complaint brought under the Freedom of Information Act (FOIA) and Privacy Act. See 5 U.S.C. §§ 552 & 552a.

On appeal, Howland argues that the FBI is withholding information to which he is entitled under the FOIA. The district court correctly concluded that the FBI did not improperly withhold agency records. See Kissinger v Reporters Committee for the Freedom of the Press, 445 U.S. 136, 150 (1980); Goldgar v. Office

¹Pursuant 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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

of Administration, Executive Office of the President, 26 F.3d 32, 34 (5th Cir. 1994). Accordingly, the district court's judgment is affirmed. See Calhoun v. Lyng, 864 F.2d 34, 36 (5th Cir. 1988) (dismissal of FOIA complaint is reviewed for clear error).

AFFIRMED.