

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-30708
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MICHAEL O'SHEA HEARD,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 98-CR-30011-01

August 4, 1999

Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Michael O'shea Heard appeals from the district court's denial of his motion to revoke the magistrate judge's order that he be detained without bail pending trial on five drug trafficking counts. While this appeal was pending, Heard's trial was held and a jury convicted him of all counts. Because Heard is now in federal custody pursuant to a criminal conviction, his request for release from pretrial confinement is moot. See Fassler v. United States, 858 F.2d 1016, 1018 (5th Cir. 1988). Accordingly, Heard's appeal is DISMISSED.

APPEAL DISMISSED.

*Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.