

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

United States Court of Appeals
Fifth Circuit

FILED

March 1, 2012

Lyle W. Cayce
Clerk

No. 10-50774
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MARTIMIANO CAYETANO-GASPAR,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:09-CR-1357-1

Before BENAVIDES, STEWART, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Martimiano Cayetano-Gaspar appeals the sentence imposed following his guilty plea conviction for illegal reentry following deportation in violation of 8 U.S.C. § 1326. He contends that the sentence is substantively unreasonable because it is greater than necessary to accomplish the sentencing goals set forth in 18 U.S.C. § 3553(a). The Government has moved for summary affirmance or, in the alternative, for an extension of time in which to file an appellate brief.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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Cayetano-Gaspar has completed his sentence, has been released from custody, and has been removed to Mexico. The appeal of his sentence is therefore moot. *See United States v. Rosenbaum-Alanis*, 483 F.3d 381, 383 (5th Cir. 2007). Accordingly, the appeal is DISMISSED. The Government's motions for summary affirmance and for an extension of time are DENIED as moot.