

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

October 21, 2008

No. 07-11198
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

RYAN PHILLIP FERREIRO

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 6:05-CR-5-4

Before KING, BARKSDALE, and OWEN, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Ryan Phillip Ferreiro has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Ferreiro has not filed a response.

"This Court must examine the basis of its jurisdiction, on its own motion, if necessary." *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). Article III, section 2, of the Constitution limits federal court jurisdiction to actual cases and controversies. *Spencer v. Kemna*, 523 U.S. 1, 7 (1998). The case-or-controversy

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

requirement demands that “some concrete and continuing injury other than the now-ended incarceration or parole – some ‘collateral consequence’ of the conviction – must exist if the suit is to be maintained.” *Spencer*, 523 U.S. at 7.

Counsel asserts that there are no nonfrivolous issues relating to the district court’s revocation of Ferreiro’s supervised release and sentence of 12 months in prison. During the pendency of this appeal, Ferreiro completed his 12 month imprisonment sentence. The judgment imposed no further supervised release term. Accordingly, there is no case or controversy for this court to address, and this appeal is DISMISSED as moot. Counsel’s motion to withdraw is DENIED as unnecessary.