

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-50204  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAMES PAUL QUINLAN, also  
known as Joe Quentin, also  
known as Jim Quinlan,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. EP-99-CV-230-ALL  
USDC No. EP-96-CR-79-ALL  
- - - - -

October 17, 2000

Before SMITH, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

James Paul Quinlan, federal prisoner # 72124-080, appeals from the district court's order denying his motion for release from custody pending the district court's ruling on his 28 U.S.C. § 2255 motion to vacate, set aside, or correct sentence. Quinlan has filed an emergency motion to expedite the appeal.

"Whether an appeal is moot is a jurisdictional matter, since it implicates the Article III requirement that there be a live

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

case or controversy." Bailey v. Southerland, 821 F.2d 277, 278 (5th Cir. 1987). "In the absence of its being raised by a party, this court is obliged to raise the subject of mootness sua sponte." Id.

Quinlan was scheduled to be released on July 16, 2000. There is no indication in the record that his release did not occur as scheduled. As this court can no longer provide him with the relief that he seeks (release pending the resolution of his § 2255 motion), the appeal is DISMISSED AS MOOT, and his emergency request for an expedited appeal is DENIED AS MOOT.

APPEAL DISMISSED AS MOOT. MOTION DENIED AS MOOT.