

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

March 27, 2003

Charles R. Fulbruge III
Clerk

No. 02-61036
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ANGELA MICHELLE ROUTE,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 02-CR-18-4

Before BARKSDALE, DEMOSS, and, BENAVIDES, Circuit Judges.

PER CURIAM:*

Angela Michelle Route appeals the district court's affirmance of a magistrate judge's order that she be detained pending trial. While this appeal was pending, Route pleaded guilty to one of the counts of the indictment. Because Route now is in federal custody pursuant to a criminal conviction, her request for release from pretrial confinement is moot as to that count. See Fassler v. United States, 858 F.2d 1016, 1018 (5th Cir. 1988). Although her appeal is not moot as to the remaining

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

counts, in the absence of a motion for release pending sentencing, Route would remain in custody even if we concluded that the district court erred below. Therefore, we AFFIRM. See Sojourner T v. Edwards, 974 F.2d 27, 30 (5th Cir. 1992) (court may affirm on any grounds supported by the record).

AFFIRMED.