

July 6, 2004

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-10874  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

AUDREY EDWARDS, also known as Kristin Lynn Colony,

Defendant-Appellant.

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Appeals from the United States District Court  
for the Northern District of Texas  
USDC No. 3:98-CR-26-1-H  
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Before HIGGINBOTHAM, DAVIS and PRADO, Circuit Judges.

PER CURIAM:\*

Audrey Edwards, federal prisoner # 31384-077, appeals from the district court's denial of her Rule 60(b) motion to correct the term of her imprisonment following the revocation of her supervised release. Edwards argues that this court should order the district court to release her from custody. The Government has filed a motion to dismiss Edwards's appeal on the ground that it is frivolous, or in the alternative, for an extension of the briefing schedule.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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

Inmate records from the Federal Bureau of Prisons reflect that Edwards was released from federal custody on May 28, 2004. Accordingly, this court cannot provide Edwards with relief, and her APPEAL IS DISMISSED AS MOOT. See Lewis v. Continental Bank Corp., 494 U.S. 472, 477 (1990). The Government's motion is DENIED AS UNNECESSARY.

APPEAL DISMISSED AS MOOT; MOTION TO DISMISS APPEAL AS FRIVOLOUS DENIED AS UNNECESSARY.