

August 28, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-10450  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TERRI DIANE SMITH,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 6:98-CR-75  
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Before DAVIS, SMITH, and WIENER, Circuit Judges.

PER CURIAM:\*

Terri Diane Smith appeals from the 18-month sentence imposed following the revocation of her supervised release. Smith contends that the sentence was unreasonable and that the district court failed to consider the sentencing factors set forth at 18 U.S.C. § 3553(a).

"In the absence of its being raised by a party, this court is obliged to raise the subject of mootness sua sponte." Bailey v. Southerland, 821 F.2d 277, 278 (5th Cir. 1987). Smith was released from federal custody on May 26, 2006, and she was not

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

ordered to serve another term of supervised release.

Accordingly, Smith's appeal is moot. See Lewis v. Continental Bank Corp., 494 U.S. 472, 477 (1990).

APPEAL DISMISSED AS MOOT.