

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit
FILED
June 21, 2006

No. 05-10621
Conference Calendar

Charles R. Fulbruge III
Clerk

MICHAEL J. FRISCHENMEYER,

Petitioner-Appellant,

versus

NATHANIEL QUARTERMAN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 7:05-CV-91

Before STEWART, DENNIS, and OWEN, Circuit Judges.

PER CURIAM:*

Michael J. Frischenmeyer, Texas prisoner # 698940, moves for a certificate of appealability (COA) to appeal the denial of his 28 U.S.C. § 2254 petition. In that petition, Frischenmeyer challenged the Texas Parole Board's refusal to grant him release on parole. Frischenmeyer was released on mandatory supervision on May 9, 2006. Frischenmeyer's claims have been rendered moot by his release. See Bailey v. Southerland, 821 F.2d 277, 278-79 (5th Cir. 1987). Therefore, IT IS ORDERED that this appeal is

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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DISMISSED AS MOOT. COA is DENIED AS MOOT.