

June 19, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-30142
Summary Calendar

JULIO BERMUDEZ,

Petitioner-Appellant,

versus

J.P. YOUNG,

Respondent-Appellee.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 2:04-CV-2043

Before SMITH, GARZA, and PRADO, Circuit Judges.

PER CURIAM:*

Julio Bermudez, federal prisoner # 18536-050, appeals from the district court's dismissal of his 28 U.S.C. § 2241 petition challenging the method used by the Bureau of Prisons (BOP) for calculating good time credits. Bermudez sought an accelerated release based on his own method of calculation. Prior to filing this appeal, Bermudez was released from the BOP's custody and deported to Colombia. The issue Bermudez has raised on appeal has thus been rendered moot by his release. See Bailey v.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Southerland, 821 F.2d 277, 278 (5th Cir. 1987). The fact that Bermudez seeks monetary damages on appeal does not continue to present a live case or controversy because he did not seek monetary relief before the district court. See Benavides v. Housing Authority of the City of San Antonio, TX, 238 F.3d 667, 670 n.4 (refusing to grant relief not requested below); Harris v. City of Houston, 151 F.3d 186, 190-91 (5th Cir. 1998) (rejecting "appellant's notion that we may fashion relief not requested below in order to keep a suit viable").

Accordingly, the appeal is DISMISSED AS MOOT.