

February 26, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-31109
Summary Calendar

MARK H. ROBERTS,

Petitioner-Appellant,

versus

CARL CASTERLINE,

Respondent-Appellee.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 1:03-CV-1385

Before REAVLEY, GARZA and BENAVIDES, Circuit Judges.

PER CURIAM:*

Mark H. Roberts, federal prisoner # 81411-071, filed an application for habeas relief under 28 U.S.C. § 2241 in the district court challenging several aspects of his parole proceedings. On April 1, 2005, the district court granted relief in part, ruling that Roberts should receive access to his prison file 60 days prior to his next parole hearing, which was scheduled for November 2006. According to the record, Roberts received and reviewed the entirety of his file in September 2005. In October 2005, Roberts moved the district court to amend its

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

judgment, asserting that the court had intended that he receive a new parole hearing after he received access to the documents. In an order dated November 16, 2005, the district court denied the motion, reasoning that it had intended only that Roberts receive the file in advance of the next hearing scheduled by the parole commission.

Roberts appeals the district court's November 16, 2005, order, seeking to correct the district court's alleged mistake in failing to grant a new parole hearing. Nothing filed by Roberts or in the record indicates that the scheduled parole hearing of November 2006 did not occur. Because the date of the scheduled hearing has passed, we lack jurisdiction to consider the appeal because the issue raised is moot. See In re Scruggs, 392 F.3d 124, 128 (5th Cir. 2004).

APPEAL DISMISSED.