

June 13, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-51594
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TONY DAVIS,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:96-CR-190-1

Before JOLLY, DENNIS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Tony Davis, former federal prisoner # 68917-080**, was convicted on eight counts of conspiracy, wire fraud, travel and transportation of securities for fraudulent purposes, and money laundering. See United States v. Davis, 226 F.3d 346, 348 (5th Cir. 2000). The district court sentenced Davis to 60 months of imprisonment on the conspiracy and wire fraud counts and 97 months of imprisonment on the remaining five counts, to run concurrently.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

** Davis was released from prison on August 13, 2004. However, he is still serving his 36-month term of supervised release.

The district court also ordered Davis to pay restitution in the amount of \$3,609,937.79. This court affirmed Davis's conviction and sentence. Id. at 349, 360. Davis now appeals the district court's orders denying miscellaneous motions (docket entry 519) and amending the conditions of Davis's supervised release by increasing his monthly restitution payments from \$100 to \$300 (docket entry 500).

Davis does not address, in the context of the instant appeal, the district court's statement in docket entry 519 that all of the issues raised in his motions were addressed in previous orders. Accordingly, Davis's appeal of docket entry 519 is dismissed for failure to adequately brief. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993). Davis's argument that exculpatory evidence and records were concealed from him during discovery is similarly inadequately briefed. Any purported appeal on this issue is dismissed. See id.

Davis's appeal from the district court's order amending the conditions of supervision by increasing his monthly restitution payments from \$100 to \$300 (docket entry 500) is moot. The district court subsequently entered an order again modifying Davis's conditions of supervision by increasing his monthly restitution payments from \$300 to \$600. Davis explicitly agreed to the modification. Thus, he is no longer bound by the order he seeks to appeal. See United States v. Hunt, 940 F.2d 130, 131-32 (5th Cir. 1991).

Davis's motion to hear his appeal on an expedited basis and his motion for judicial notice are denied. All other outstanding motions are hereby denied.

APPEAL DISMISSED; MOTIONS DENIED.