

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

October 24, 2007

No. 06-10947
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

GABRIEL CALIXTO-AGUIRRE

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:04-CR-88-2

Before JOLLY, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Gabriel Calixto-Aguirre has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Calixto-Aguirre has not filed a response.

"This Court must examine the basis of its jurisdiction, on its own motion, if necessary." *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). Article III, § 2,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

of the Constitution limits federal court jurisdiction to actual cases and controversies. *Spencer v. Kemna*, 523 U.S. 1, 7 (1998). The case-or-controversy requirement demands that “some concrete and continuing injury other than the now-ended incarceration or parole-some ‘collateral consequence’ of the conviction-must exist if the suit is to be maintained.” *Id.*

During the pendency of this appeal, Calixto-Aguirre completed the sentence that was imposed upon the revocation of his supervised release. The order revoking Calixto-Aguirre’s supervised release imposed no further term of supervised release. Accordingly, there is no case or controversy for this court to address, and the appeal is dismissed as moot. Counsel’s motion to withdraw is denied as unnecessary.

APPEAL DISMISSED; MOTION DENIED.