

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

December 10, 2008

\_\_\_\_\_  
No. 08-20217  
Conference Calendar  
\_\_\_\_\_

Charles R. Fulbruge III  
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

ROSIE LEE VEGA

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:03-CR-303-ALL  
\_\_\_\_\_

Before DAVIS, WIENER, and PRADO, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Rosie Lee Vega has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Vega 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, section 2, 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

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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.” *Spencer*, 523 U.S. at 7.

Counsel asserts that there are no nonfrivolous issues relating to the district court’s revocation of Vega’s supervised release and sentence of eight months in prison. During the pendency of this appeal, Vega completed her eight month term of imprisonment. The judgment imposed no further supervised release term. Accordingly, there is no case or controversy for this court to address, and this appeal is DISMISSED as moot. Counsel’s motion to withdraw is DENIED as unnecessary.