

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

October 28, 2010

Lyle W. Cayce
Clerk

No. 10-60295
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ERNESTO RAFEAL DIAZ-PARRAGUIRRE, JR.,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 1:09-CR-153-1

Before WIENER, PRADO, and OWEN, Circuit Judges.

PER CURIAM:*

Defendant-Appellant Ernesto Rafeal Diaz-Parraguirre, Jr. (Diaz), a Mexican national, appeals the nine-month sentence he received following his guilty-plea conviction for being found unlawfully in the United States after having been previously deported, in violation of 8 U.S.C. § 1326. He contends that his sentence is unreasonable and that the district court violated Federal Rule of Criminal Procedure 32 by failing to allow him or his counsel to provide information relevant to the mitigation of his sentence.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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Diaz has completed his sentence, has been released from custody, and has been removed to Mexico. The appeal of his sentence is therefore moot. *See United States v. Rosenbaum-Alanis*, 483 F.3d 381, 383 (5th Cir. 2007). Accordingly, the appeal is DISMISSED.