

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

United States Court of Appeals
Fifth Circuit

FILED

October 24, 2012

Lyle W. Cayce
Clerk

No. 11-11113
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

TUNG THANH NGUYEN, also known as Sammy Nguyen,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No.5:10-MJ-31-1

Before HIGGINBOTHAM, OWEN, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Tung Thanh Nguyen argues that the 12-month sentence of imprisonment imposed upon revocation of his term of supervised release violates *Tapia v. United States*, 131 S. Ct. 2382 (2011) because the sentencing court selected the sentence based on the court's belief that Nguyen needed drug rehabilitation. Nguyen was released from prison on October 12, 2012, therefore any argument that his prison term should be reduced is moot. *United States v. Rosenbaum-Alanis*, 483 F.3d 381, 382 (5th Cir. 2007). DISMISSED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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