

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

United States Court of Appeals
Fifth Circuit

FILED

June 25, 2012

Lyle W. Cayce
Clerk

No. 11-20284
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ATENOGENES CORRO BALBUENA, also known as Atenogenes B. Corro, also known as Atenogenes Corro-Bulhuera, also known as Atenogenes Corro-Balbuena, also known as Atenogenes Balbuena Corro, also known as Armondo Corro, also known as Atengenes Balbuena Corro,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:10-CR-780-1

Before GARZA, SOUTHWICK, and HAYNES, Circuit Judges.

PER CURIAM:*

Atenogenes Corro Balbuena appeals the sentence imposed after his guilty plea to being found in the United States without permission, following his conviction of a felony and subsequent removal. He argues that the district court procedurally erred by upwardly departing under U.S.S.G. § 4A1.3(a)(1), based on speculation regarding his family's future living arrangements.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 11-20284

After Balbuena filed this appeal, he completed the confinement portion of his sentence and was released from custody. He was removed to Mexico on April 25, 2012. As Balbuena challenges only his sentence, his appeal is now moot. *See United States v. Rosenbaum-Alanis*, 483 F.3d 381, 382-83 (5th Cir. 2007). Accordingly, the appeal is DISMISSED.