

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

United States Court of Appeals
Fifth Circuit

FILED

April 17, 2013

Lyle W. Cayce
Clerk

No. 11-20684

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

CARLOS JOEL ROSARIO-SOLIS, also known as Baina,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:10-CR-516-8

Before REAVLEY, JOLLY, and DAVIS, Circuit Judges.

PER CURIAM:*

Carlos Joel Rosario-Solis (Rosario) appeals the within-guidelines sentence imposed following his guilty plea conviction of conspiracy to commit and to aid and abet the commission of certain offenses against the United States relating to fraud and misuse of visas and similar documents. He argues, for the first time on appeal, that the sentence imposed was substantively unreasonable because it was greater than necessary to achieve the sentencing objectives set forth in 18 U.S.C. § 3553(a).

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Defense counsel concedes that Rosario has been released from prison and deported. Relying on *Lares-Meraz*, 452 F.3d 352, 354-55 (5th Cir. 2006), however, Rosario argues that his appeal is not moot.

Whether an appeal is moot is a jurisdictional issue. *Lares-Meraz*, 452 F.3d at 354-55. Rosario's attack on his sentence has been rendered moot by his deportation because there is no relief that this court may grant him with respect to his sentence. See *United States v. Rosenbaum-Alanis*, 483 F.3d 381, 383 (5th Cir. 2007). Accordingly, the appeal is DISMISSED for lack of jurisdiction.