

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

United States Court of Appeals
Fifth Circuit

FILED

May 16, 2013

Lyle W. Cayce
Clerk

No. 12-60712

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOHNNY HARRIS, JR.,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 2:03-CR-75-1

Before JOLLY, DAVIS, and PRADO, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Johnny Harris, Jr., federal prisoner # 11798-042, in proceedings for revocation of supervised release has moved for leave to withdraw as counsel on appeal. Counsel notes that Harris alleged in the district court that he was denied effective assistance of counsel in those proceedings. Harris has not filed a response to counsel's motion.

During the pendency of this appeal, Harris completed his sentence of imprisonment, and he has no further term of imprisonment or supervised release

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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to serve. The appeal is, therefore, moot. *See Spencer v. Kemna*, 523 U.S. 1, 7 (1998); *Bailey v. Southerland*, 821 F.2d 277, 278 (5th Cir. 1987). Accordingly, the appeal is DISMISSED as moot, and counsel's motion to withdraw is DENIED as unnecessary.