

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

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No. 13-10561  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

August 6, 2014

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

DONALD JOSEPH WEST,

Defendant-Appellant

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 2:12-CR-49-1

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Before KING, JOLLY, and HAYNES, Circuit Judges.

PER CURIAM:\*

Donald Joseph West was convicted of aggravated bank robbery; using and carrying a firearm during and in relation to a crime of violence; and being a felon in possession of a firearm; this court affirmed the judgment of conviction. *See United States v. West*, \_\_F. App'x\_\_, 2014 WL 1797725 (5th Cir. May 7, 2014). Prior to entry of the final judgment, West filed several pro se

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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motions seeking various forms of relief from the district court. The instant appeal is from the district court's denial of those prejudgment motions.

“Under Article III of the Constitution, federal courts may adjudicate only actual, ongoing cases or controversies.” *Lewis v. Continental Bank Corp.*, 494 U.S. 472, 477 (1990). “The case-or-controversy requirement is present at all levels of litigation, from the trial level through the appellate process.” *United States v. Jeffers*, 479 F. App'x 649, 649 (5th Cir. 2012) (citing *Lewis*, 494 U.S. at 477-78). “An appeal is moot when the court can no longer grant any effectual relief to the prevailing party.” *Jeffers*, 479 F. App'x at 649-50 (citing *Motient Corp. v. Dondero*, 529 F.3d 532, 537 (5th Cir. 2008)). Because it implicates the case-or-controversy requirement under Article III, mootness is jurisdictional and this court must raise the issue *sua sponte* if necessary. *United States v. Lares-Meraz*, 452 F.3d 352, 354-55 (5th Cir. 2006).

Given that the judgment of conviction has been rendered and affirmed, this court cannot grant West the effectual relief he requests in this, the appeal of the denial of the prejudgment motions. Accordingly, the appeal is moot and it is DISMISSED for lack of jurisdiction. *See Lares-Meraz*, 452 F.3d at 354-55.