

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

No. 13-40618
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 13, 2015

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSE GILBERTO VILLATORO-ORTEZ,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:13-CR-63

Before STEWART, Chief Judge, and PRADO and HAYNES, Circuit Judges.

PER CURIAM:*

Jose Gilberto Villatoro-Ortez (Villatoro) appeals the sentence imposed following his guilty plea conviction for being unlawfully present in the United States following removal. He argues that the district court erred by applying a 16-level enhancement for his being removed following a conviction for a drug trafficking offense for which the sentence was greater than 13 months of imprisonment.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Villatoro's sentence has expired, and he has been released. Accordingly, the appeal of his sentence is moot. *See United States v. Rosenbaum-Alanis*, 483 F.3d 381, 382 (5th Cir. 2007); *United States v. Ramon*, 320 F.3d 519, 519-20 (5th Cir. 2003).

APPEAL DISMISSED.