

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

No. 14-31171
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 15, 2015

Lyle W. Cayce
Clerk

DANNY LEE GREEN,

Petitioner-Appellant

v.

CHARLES MAIORANA,

Respondent-Appellee

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 2:13-CV-812

Before DAVIS, CLEMENT, and COSTA, Circuit Judges.

PER CURIAM:*

Danny Lee Green, formerly federal prisoner # 10822-064, appeals the dismissal of his 28 U.S.C. § 2241 petition in which he argued that he was deprived of his due process right to adequate notice of the charge against him during a prison disciplinary proceeding. The district court denied his petition on the merits.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 14-31171

Green was released from prison while the instant appeal was pending. An appeal is not moot simply because a § 2241 petitioner is no longer in custody. *Brown v. Resor*, 407 F.2d 281, 283 (5th Cir. 1969). However, an action is moot when the court cannot grant the relief requested by the moving party. *See Bailey v. Southerland*, 821 F.2d 277, 278 (5th Cir. 1987).

Green's petition does not challenge his conviction which carries collateral consequences even after release. *See Spencer v. Kemna*, 523 U.S. 1, 7 (1998). Instead, Green's petition alleges purported errors that occurred after he was sentenced, for which he seeks the restoration of lost good time credit and restoration of his classification level. Because Green was released in January 2015, this court can no longer provide him with that relief. *See Bailey*, 821 F.2d at 278. Insofar as Green's claim includes a request for expungement of the disciplinary charge from his record, this issue is similarly moot as he has not alleged any adverse consequences that will continue to flow from that violation. *See id.* at 279. Accordingly, Green's appeal is DISMISSED as moot.