

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

United States Court of Appeals
Fifth Circuit

FILED

September 20, 2019

Lyle W. Cayce
Clerk

No. 18-20725
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MARIO AGUIRRE-SARINANA,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:18-CR-248-1

Before DAVIS, SMITH, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Mario Aguirre-Sarinana was convicted of one count of illegal reentry into the United States, and the district court imposed a within-guidelines sentence of 20 months in prison and a three-year term of supervised release. In his opening brief, he argued that the case should be remanded for correction of judgment to reflect the district court's recommendation of a facility close to Houston. The Government then filed an unopposed, successful motion to

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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remand the case to correct this error, and the district court corrected the judgment on remand. The Government then filed an unopposed motion for summary affirmance, or, alternately, an extension of time to file a brief, arguing that summary affirmance is warranted because there are no remaining appellate issues.

This court should always be cognizant of its jurisdiction and examine the issue sua sponte when necessary. *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). Mootness implicates the Article III case-or-controversy requirement and is thus a jurisdictional matter. *United States v. Heredia-Holguin*, 823 F.3d 337, 340 (5th Cir. 2016) (en banc). “A case becomes moot only when it is impossible for a court to grant any effectual relief whatever to the prevailing party.” *Id.* (internal quotation marks and citations omitted).

Here, the requested relief, correction of judgment, may not be granted because the requested correction has been made, and this appeal is moot. *See Heredia-Holguin*, 823 F.3d at 340. The appeal is thus DISMISSED AS MOOT, and the Government’s motion for summary disposition or, in the alternative, an extension of time to file a brief, is DENIED.