

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 94-20444  
Conference Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MULK RAJ DASS,

Defendant-Appellant.

- - - - -  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. CR-H-94-0005

- - - - -  
June 29, 1995

Before JONES, WIENER, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

"Whether an appeal is moot is a jurisdictional matter, since it implicates the Article III requirement that there be a live case or controversy. In the absence of its being raised by a party, this court is obliged to raise the subject of mootness sua sponte." Bailey v. Southerland, 821 F.2d 277, 278 (5th Cir. 1987). Mulk Raj Dass concedes that he has completed the term of incarceration ordered upon the revocation of his supervised release but he argues that this appeal is not moot because he is

---

\* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

contesting efforts by the Immigration and Naturalization Service [INS] to deport him and that "the alleged violations which comprise the instant appeal are part of the proceedings before the [INS]."

In Carafas v. LaVallee, 391 U.S. 234 (1968), an appeal from the dismissal of a habeas corpus petition, the Supreme Court held that the appeal was not moot despite that the underlying sentence had expired because substantial civil penalties ensured that the litigant had a "stake in the judgment of conviction which survives the satisfaction of the sentence imposed on him." Carafas, 391 U.S. at 237-38 (internal quotation and citation omitted); Sibron v. New York, 392 U.S. 40, 57-58 (1968). In Lane v. Williams, 455 U.S. 624, 632-33 (1982), the Court held that the doctrine of Carafas and Sibron was not applicable because "[n]o civil disabilities such as those present in Carafas result from a finding that an individual has violated parole." Contrary to Dass' arguments that the outcome of this appeal could affect his efforts to prevent his deportation, INS documents show that Dass was ordered deported and that the deportation proceedings were not influenced by the district court's revocation of Dass' supervised release.

The Government's motion to supplement the record is GRANTED. This appeal is DISMISSED as moot because "the possibility of adverse collateral consequences is sufficiently minimal that it should be disregarded." See United States v. Maldonado, 735 F.2d 809, 813 (5th Cir. 1984).