

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-30630

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GHULAM MOHAMMED NASIM,

Petitioner-Appellant,

versus

DORIS MEISNER; NANCY L. HOOKS; JANET RENO;  
LYNNE UNDERDOWN; R. MILES, Warden,

Respondents-Appellees.

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No. 97-0114

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IN RE: GHULAM MOHAMMED NASIM,

Petitioner.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 96-CV-2330  
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October 6, 1999

Before HIGGINBOTHAM, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:\*

The district court has determined that Ghulam Mohammad Nasim (#57187) is not entitled to habeas relief and Nasim's appeal from the district court's judgment has been dismissed. Nasim v.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Meisner, No. 97-31140 (5th Cir. June 9, 1999) (unpublished).

This court must examine the basis of its jurisdiction on its own motion if necessary. Mosley v. Cozby, 813 F.2d 659, 660 (5th Cir. 1987). For jurisdiction under Article III of the Constitution, this court must have before it an actual case or controversy at the time it issues its decision. United States Parole Comm'n v. Geraghty, 445 U.S. 388, 396 (1980). "[A] case is moot when the issues presented are no longer 'live' or the parties lack a legally cognizable interest in the outcome." Powell v. McCormack, 395 U.S. 486, 496 (1969). To the extent that they pertain to the legality of his detention and deportation by the Immigration and Naturalization Service, the issues presented in Nasim's petition for a writ of mandamus and outstanding motions no longer pertain to a live controversy and are, therefore, moot. Because they are moot, we lack jurisdiction to consider those issues.

The appeal in number 97-30630 is from the district court's order denying Nasim's motion for reconsideration of the district court's order dated May 14, 1997. To the extent that they do not pertain to moot issues, Nasim's conclusional arguments are insufficient to show that the district court abused its discretion in denying the motion for reconsideration.

Because the appeal is frivolous, it is DISMISSED. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2.

Nasim's petition for a writ of mandamus and all outstanding motions\*\* are DENIED.

APPEAL DISMISSED; PETITION FOR A WRIT OF MANDAMUS DENIED;  
MOTIONS DENIED.

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<sup>m</sup> This court previously held a number of motions and a petition for mandamus in abeyance. See Nasim v. Meisner, No. 97-30630 (5th Cir. Nov. 1, 1997) (unpublished). Subsequently, Judge Benavides granted Nasim's motion to consolidate the instant appeal, number 97-30630, and the petition for a writ of mandamus, number 97-00114. Nasim v. Meisner, No. 97-30216 (5th Cir. Mar. 16, 1998) (single-judge order). Nasim was ordered to file all submissions, bearing any relationship to the action in the district court, in case number 97-30630. Id.

In addition to the petition for a writ of mandamus, the following motions are pending before the court:

1. Motion to supplement record (filed April 8, 1998).
2. Motion for extension of time to file appeal brief after appointment of counsel (filed April 6, 1998).
3. Motions for sanctions and declaratory judgment (filed March 26, 1998).
4. Motion for immediate release (filed March 4, 1998).
5. Motion to supplement the record (filed February 11, 1998).
6. Motion for leave to supplement the record (filed February 19, 1998).
7. Motion to compel production of documents and audiotapes (filed January 8, 1998).
8. Motion for appointment of counsel (filed December 10, 1997).
9. Motion for immediate release (filed December 8, 1997).
10. Motion for appointment of counsel and to consolidate appeals (filed June 16, 1997).