

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

United States Court of Appeals
Fifth Circuit

FILED

April 5, 2013

Lyle W. Cayce
Clerk

No. 12-50566

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ALEJANDRO GRANADOS-VILLAFUERTE, also known as Alejandro Granados-Villafuete,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:11-CR-636-1

Before STEWART, Chief Judge, and KING and CLEMENT, Circuit Judges.

PER CURIAM:*

Mexican citizen Alejandro Granados-Villafuerte (Granados) appeals the sentence he received following his guilty plea conviction for being found illegally in the United States after having been previously removed. Granados argues that one criminal history point should not have been assigned to his 2010 Oklahoma open container traffic offense.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 12-50566

The Government argues that appeal of this sentencing issue is moot and, in the alternative, that the criminal history point was properly assigned to Granados's prior open container traffic offense. Granados has not filed a reply brief and, thus, has not responded to the Government's mootness argument.

The district court sentenced Granados to 15 months of imprisonment with credit for time served in custody since March 24, 2011. This term of imprisonment necessarily expired on or about June 24, 2012. The Department of Homeland Security has confirmed that Granados was removed from the United States on June 30, 2012. For these reasons, Granados's appeal is moot. *See United States v. Rosenbaum-Alanis*, 483 F.3d 381, 383 (5th Cir. 2007). Accordingly, the appeal is DISMISSED AS MOOT.