IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 07-40810
Conference Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

TOBIAS LYNN, also known as James R White

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:03-CR-712-1

Before DAVIS, WIENER, and PRADO, Circuit Judges.

PER CURIAM:[*]

The attorney appointed to represent Tobias Lynn has moved for leave to withdraw and has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967). Lynn has not filed a response.

Article III, section 2, of the Constitution limits federal court jurisdiction to actual cases and controversies. Spencer v. Kemna, 523 U.S. 1, 7 (1998). The case-or-controversy requirement demands that "some concrete and continuing

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

injury other than the now-ended incarceration or parole – some 'collateral consequence' of the conviction – must exist if the suit is to be maintained." Spencer, 523 U.S. at 7.

Counsel asserts that there are no nonfrivolous issues relating to the district court's initial revocation of Lynn's supervised release term in May 2007, Lynn's 120-day restraint in a halfway house, and the continuation of supervised release with additional conditions of release. During the pendency of this appeal, the district court again revoked Lynn's term of supervised release and sentenced him to six months in prison, which he has completed. The judgment imposed no further supervised release term. Accordingly, there is no case or controversy for this court to address. The Government's motion to dismiss the appeal as moot is GRANTED, and this appeal is DISMISSED. Counsel's motion to withdraw is DENIED as unnecessary.