

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

United States Court of Appeals
Fifth Circuit

FILED

June 20, 2011

Lyle W. Cayce
Clerk

No. 10-50805
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MIGUEL ANGEL VALIENTE,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:01-CR-469-3

Before WIENER, PRADO, and OWEN, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Defendant-Appellant Miguel Angel Valiente has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Valiente has not filed a response.

“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). Article III, section 2, of the Constitution limits federal court jurisdiction to actual cases and

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 10-50805

controversies. *Spencer v. Kemna*, 523 U.S. 1, 7 (1998). The case-or-controversy requirement demands that “some concrete and continuing injury other than the now-ended incarceration or parole-some ‘collateral consequence’ of the conviction-must exist if the suit is to be maintained.” *Id.* (citation omitted).

During the pendency of this appeal, Defendant-Appellant Valiente completed the sentence of imprisonment that was imposed on the revocation of his supervised release and no further term of supervised release was imposed. Accordingly, there is no case or controversy for us to address, and this appeal is dismissed as moot. Counsel’s motion to withdraw is denied as unnecessary.

APPEAL DISMISSED; MOTION DENIED.