

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

February 17, 2021

Lyle W. Cayce
Clerk

No. 20-40074
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ERIC ELIEL PENA-MARTINEZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:19-CR-92-1

Before KING, SOUTHWICK, and HO, *Circuit Judges.*

PER CURIAM:*

The Federal Public Defender appointed to represent Eric Eliel Pena-Martinez 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). Pena-Martinez has not filed a response.

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 20-40074

During the pendency of this appeal, Pena-Martinez completed the sentence imposed on revocation of supervised release and was released from custody. Because Pena-Martinez has not shown that he will suffer collateral consequences as a result of the revocation of his supervised release and because no additional term of supervised release was imposed, the instant appeal does not present a case or controversy, and this court lacks jurisdiction. *See Spencer v. Kemna*, 523 U.S. 1, 7 (1998); *United States v. Clark*, 193 F.3d 845, 847-48 (5th Cir. 1999).

Accordingly, the appeal is DISMISSED AS MOOT, and counsel's motion for leave to withdraw is DENIED as unnecessary.