

# United States Court of Appeals for the Fifth Circuit

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No. 25-10998  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

March 6, 2026

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

MARLON BRISCOE, JR.,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:23-CR-265-2

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Before HIGGINBOTHAM, ENGELHARDT, and RAMIREZ, *Circuit Judges.*

PER CURIAM:\*

The Federal Public Defender appointed to represent Marlon Briscoe, Jr., 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). Briscoe has not filed a response. During the pendency of this appeal, Briscoe completed the sentence imposed upon revocation of

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\* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

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probation and was released from custody. Because Briscoe has completed the entire sentence imposed for his probation revocation, there is no case or controversy for us to address. *See Spencer v. Kemna*, 523 U.S. 1, 7 (1998); *Bailey v. Southerland*, 821 F.2d 277, 278 (5th Cir. 1987). Accordingly, the appeal is DISMISSED as moot, and counsel's motion for leave to withdraw is DENIED as unnecessary.