

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-7188

GARY DEAN WALLACE,

Petitioner - Appellant,

v.

LARRY W. JARVIS,

Respondent - Appellee.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Samuel G. Wilson, District Judge. (7:09-cv-00426-sgw-mfu)

Submitted: March 14, 2011

Decided: April 11, 2011

Before WILKINSON, SHEDD, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Gary Dean Wallace, Appellant Pro Se. John Michael Parsons, Assistant Attorney General, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Gary Dean Wallace seeks to appeal the district court's order denying relief on his petition filed under 28 U.S.C. § 2254 (2006). We have reviewed the record and the district court's opinion and find Wallace's appeal is moot. While Wallace challenges the calculation of his release date, he has been released from custody, and he does not allege any collateral consequences that would warrant relief. See Lane v. Williams, 455 U.S. 624, 631 (1982) (habeas petitions were moot after prisoners' sentences expired and prisoners had attacked only their sentences); see also North Carolina v. Rice, 404 U.S. 245, 248 (1971) (per curiam) ("Nullification of a conviction may have important benefits for a defendant. . . but urging in a habeas corpus proceeding the correction of a sentence already served is another matter.").

Accordingly, we deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid in the decisional process.

DISMISSED