IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit
FILED
September 18, 2013

Lyle W. Cayce
Clerk

No. 12-41346
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSE ARTURO HERNANDEZ-LOBATON,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 1:12-CR-632-1

Before KING, DAVIS, and ELROD, Circuit Judges.

PER CURIAM:*

Jose Arturo Hernandez-Lobaton pleaded guilty to being found illegally present in the United States after deportation following a felony conviction. He received a 13-month prison sentence to be followed by three years of supervised release. Hernandez-Lobaton has appealed, contending that the district court did not adequately explain its reasons for imposing supervised release and failed to account for the advice in the Sentencing Guidelines that deportable aliens ordinarily should not be sentenced to terms of supervised release.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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Because Hernandez-Lobaton has been released from prison and deported to Mexico, however, his appeal is moot, *see United States v. Rosenbaum-Alanis*, 483 F.3d 381, 383 (5th Cir. 2007), and accordingly is DISMISSED.