

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

APR 21 1999

PATRICK FISHER
Clerk

ATHENS CARL McLAUGHLIN,

Petitioner - Appellant,

v.

UNITED STATES PAROLE
COMMISSION, FCI FLORENCE,
WARDEN BROOKS,

Respondents - Appellees.

No. 98-1338

(D. Colorado)

(D.C. No. 96-WM-359)

ORDER AND JUDGMENT *

Before **ANDERSON** , **KELLY** , and **BRISCOE** , Circuit Judges.

After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

Athens Carl McLaughlin, as a prisoner of the United States, unsuccessfully challenged his parole date in the district court. He then appealed to this court by notice of appeal dated August 31, 1998. He was released on parole on January 28, 1999. His release on parole moots his challenge to his parole date. See Vandenburg v. Rodgers, 801 F.2d 377, 378 (10th Cir. 1986).

DISMISSED.

ENTERED FOR THE COURT

Stephen H. Anderson
Circuit Judge