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**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

WAYNE L. TELFER,

Petitioner - Appellant,

v.

DOUG WADDINGTON,

Respondent - Appellee.

No. 04-35822

D.C. No. CV-04-05130-FDB

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Franklin D. Burgess, District Judge, Presiding

Submitted October 22, 2007**

Before: B. FLETCHER, WARDLAW, and IKUTA, Circuit Judges.

Wayne L. Telfer, a former Washington state prisoner, appeals pro se from the district court's judgment dismissing his 28 U.S.C. § 2254 habeas petition. We dismiss the appeal as moot.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Telfer's petition challenges only his sentence and not his conviction. On August 4, 2005, Telfer was released from the jurisdiction of the Washington Department of Corrections. Accordingly, we conclude that this appeal is moot, because there is no case or controversy with respect to Telfer's completed sentence. *See United States v. Palomba*, 182 F.3d 1121, 1123 (9th Cir. 1999).

DISMISSED.