

SEP 28 2007

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL FYKES,

Defendant - Appellant.

No. 07-50040

D.C. No. CR-99-01285-R

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Manuel L. Real, District Judge, Presiding

Submitted September 24, 2007**

Before: CANBY, TASHIMA and RAWLINSON, Circuit Judges.

Michael Fykes appeals from the imposition of an nine-month sentence following the revocation of his supervised release.

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

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

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), counsel for Fykes has filed a brief stating there are no grounds for relief, and a motion to withdraw as counsel of record. No pro se or government brief has been filed.

When Fykes completed his sentence upon revocation of supervised release, there ceased to be a case or controversy. *See United States v. Palomba*, 182 F.3d 1121, 1123 & n.3 (9th Cir. 1999). Accordingly, we dismiss this appeal. *See Spencer v. Kemna*, 523 U.S. 1, 12-16 (1998); *Palomba*, 182 F.3d at 1123 & n.3.

The motion to withdraw as counsel is **GRANTED**.

DISMISSED.