

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-6641**

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ALBERT CHARLES BURGESS, JR.,

Petitioner - Appellant,

versus

JOHN M. VANYUR, Warden at Butner, Low Security  
Correctional Institution; ATTORNEY GENERAL OF  
THE UNITED STATES,

Respondents - Appellees.

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Appeal from the United States District Court for the Eastern Dis-  
trict of North Carolina, at Raleigh. James C. Fox, District Judge.  
(CA-99-11-5-F)

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Submitted: July 7, 1999

Decided: September 21, 1999

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Before NIEMEYER and MICHAEL, Circuit Judges, and BUTZNER, Senior  
Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Albert Charles Burgess, Jr., Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Albert Charles Burgess seeks to appeal from the district court's order denying his petition filed under 28 U.S.C. § 2241 (1994), and his motions to alter or amend the judgment under Fed. R. Civ. P. 59(e). Upon review, we find that the sentence Burgess challenged has expired. Accordingly, because this appeal no longer demonstrates a case or controversy, we dismiss it as moot. See Spencer v. Kemna, 523 U.S. 1, \_\_\_, 118 S. Ct. 978, 983 (1998) ("[T]hroughout the litigation, the plaintiff 'must have suffered, or be threatened with, an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision.'"); Lane v. Williams, 455 U.S. 624, 631 (1982) (holding that habeas petitions were moot after prisoners' sentences expired and where prisoners had attacked only their sentences). 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 the decisional process.

DISMISSED