

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

December 21, 2007

Charles R. Fulbruge III
Clerk

No. 07-40584
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

IRINEO ESPINO-REYES

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 1:02-CR-726-1

Before KING, DAVIS and CLEMENT, Circuit Judges.

PER CURIAM:*

Irineo Espino-Reyes (Espino) pleaded guilty in 2002 to illegally reentering the United States following deportation subsequent to an aggravated felony conviction, in violation of 8 U.S.C. § 1326(a) and (b), and he was sentenced to 37 months of imprisonment, to be followed by three years of supervised release. In 2007, Espino pleaded guilty to violating the conditions of his supervised release by illegally reentering the United States again. Solely on the basis of that violation, Espino's supervised release was revoked, and he was sentenced to six

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

months of imprisonment, to run consecutively to the sentence for his second illegal reentry conviction.

The written judgment also listed a second violation as the basis of the revocation of Espino's supervised release. Both Espino and the Government request that his case be remanded for the limited purpose of correcting this clerical error. We remand for the limited purpose of correcting the judgment to reflect that Espino violated the terms of his supervised release by illegally reentering the United States. See FED. R. CRIM. P. 36.

AFFIRMED; REMANDED FOR THE LIMITED PURPOSE OF CORRECTING CLERICAL ERROR IN JUDGMENT.