

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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No. 15-10704  
Conference Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

October 18, 2016

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

GILBERTO QUINONES-ALONSO,

Defendant-Appellant

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:15-CR-25-1

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Before HIGGINBOTHAM, JONES, and HIGGINSON, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Gilberto Quinones-Alonso has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Quinones-Alonso has not filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein. We concur with counsel's assessment that the appeal presents no

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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nonfrivolous issue for appellate review. Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.

However, the judgment contains a clerical error pertaining to Quinones-Alonso's written judgment. The judgment identifies the statute violated as "8 U.S.C. § 1326(a) and (b)(1)/(2)." The court's colloquy at arraignment and the presentence report, however, advised Quinones-Alonso that he was subject to the maximum ten-year penalty set forth in § 1326(b)(1), and Quinones-Alonso was sentenced to less than ten years of imprisonment. We therefore REMAND to the district court for the limited purpose of correcting this clerical error. *See* FED. R. CRIM. P. 36.