

December 22, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-30999  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CEDRIC FARLEY DILLARD,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 02-CR-50025-2  
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Before BARKSDALE, EMILIO M. GARZA, and DENNIS, Circuit Judges.

PER CURIAM:\*

Cedric Farley Dillard appeals the sentence imposed after he pleaded guilty to conspiracy to possess with intent to distribute crack cocaine. He challenges only the amount of the fine imposed upon him, arguing that the amount of the fine pronounced orally by the district court conflicts with the amount of the fine set forth in the written judgment.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The district court's oral pronouncement of judgment sentenced Dillard to pay one-half plus one cent of the total fine of \$2,287.69 imposed jointly upon Dillard and his co-defendant Kyong Durden. The written judgment sentenced Dillard to pay \$2,287.69, not one-half of \$2,287.69 plus one cent, and noted under special instructions that the fine is joint and several with Durden. Thus, the district court's oral pronouncement holding Dillard liable for one-half plus one cent of the fine conflicts with the language in the written judgment, which holds Dillard liable for the entire amount of the fine jointly and severally with his co-defendant.

Therefore, because the difference in the language of the district court's oral pronouncement of sentence conflicts with its written judgment with regard to the fine imposed upon Dillard, the case is remanded for the district court to amend the written judgment to conform to the court's oral pronouncement of sentence with respect to the amount of the fine imposed upon Dillard. See United States v. Martinez, 250 F.3d 941, 942 (5th Cir. 2001).

REMANDED.