

October 1, 2004

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-20923  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

VICTOR MATEO,  
also known as Tomas Carlos,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-01-CR-521-4  
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Before EMILIO M. GARZA, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Appointed counsel for Victor Mateo has filed a motion to withdraw and an accompanying brief as required by Anders v. California, 386 U.S. 738, 744 (1967). Mateo has responded to counsel's brief. Mateo also moves this court for the appointment of new counsel and consideration of his case by the en banc court. Our independent review of counsel's brief, Mateo's response, and the record discloses no nonfrivolous issues for appeal. Accordingly, counsel's motion for leave to withdraw is

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

GRANTED, counsel is EXCUSED from further responsibilities herein, and this appeal is DISMISSED. See 5TH CIR. R. 42.2. All other outstanding motions are DENIED.

Our review did reveal one clerical error in the record. The indictment charged Mateo with attempted distribution of more than 500 grams of cocaine. This same offense is listed in his plea agreement and was given at arraignment. The judgment, however, lists the offense of conviction as possession of more than 500 grams of cocaine with intent to distribute. Accordingly, this matter is REMANDED TO THE DISTRICT COURT for correction of the clerical error in the judgment pursuant to FED. R. CRIM. P. 36.