

October 20, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-50072  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BLAS H. DELGADO, Esq.,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. SA-01-CV-788-FB  
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Before BARKSDALE, EMILIO M. GARZA, and DENNIS, Circuit Judges

PER CURIAM:\*

Blas H. Delgado appeals the district court's grant of summary judgment in favor of the Government in its suit to collect on promissory notes. Delgado asserts that the district court was precluded from granting summary judgment because he presented sufficient evidence to show that there were genuine issues of material fact and that a clerical error in the judgment requires reversal. "To recover on a promissory note, the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Government must show (1) the defendant signed it, (2) the Government is the present owner or holder, and (3) the note is in default." United States v. Lawrence, 276 F.3d 193, 197 (5th Cir. 2001). The Government filed a properly supported motion for summary judgment; thus, the burden shifted to Delgado to provide competent summary judgment evidence setting forth specific facts that demonstrate a genuine issue for trial. See FED. R. CIV. P. 56(e). The evidence Delgado presented to demonstrate a genuine issue as to the amount owed was not sufficient to meet his burden under FED. R. CIV. P. 56(e).

The clerical error in the judgment does not warrant reversal. See FED. R. CIV. P. 60(a). In a footnote in its brief, the Government asks for leave of this court to file a motion with the district court to correct the clerical error pursuant to FED. R. Civ. P. 60(a). With the issuance of this opinion, that request is moot.

AFFIRMED.