

May 10, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-41327
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JORGE LUIS GUTIERREZ QUINTANILLA,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
No. 1:01-CR-575-ALL

Before SMITH, WIENER, and OWEN, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Jorge Quintanilla has moved for leave to withdraw and has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967). Quintanilla has not filed a response. Our independent review of the record and of counsel's brief discloses no nonfrivolous issue

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

for appeal.

The record does reveal a clerical error in the judgment of revocation, which indicates that Quintanilla admitted the truth of the allegation set forth against him in violation number one of the petition to revoke and notes that Quintanilla is adjudicated guilty of the violation. Quintanilla did not, however, plead true to the allegation that he violated the terms of his supervised release by committing another federal state or local crime by possessing with the intent to distribute marihuana.

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. This matter is REMANDED for correction of the clerical error pursuant to FED. R. CRIM. P. 36.