

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

October 2, 2007

Charles R. Fulbruge III  
Clerk

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No. 06-41629  
Summary Calendar

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UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

JORGE LOPEZ

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 7:06-CR-497-1

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Before JOLLY, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:\*

Jorge Lopez appeals the sentence imposed after the district court revoked the term of supervised release he was serving in connection with his 2001 conviction for conspiracy to possess with the intent to distribute and distribution of marijuana. Lopez argues that the district court's written judgment of revocation conflicts with its oral pronouncement of sentence. The Government agrees.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Lopez pleaded true to violating the terms of his supervised release by leaving the judicial district without permission, and at both the revocation hearing and at sentencing, the district court revoked his release based solely on that violation, not the two other charges alleged in the revocation petition that Lopez committed new state and federal drug offenses. However, the written judgment erroneously reflects that Lopez was adjudicated guilty on all of the allegations in the petition. Additionally, in its oral pronouncement of sentence, the district court ordered that the 18-month sentence imposed be served concurrently to any future sentence on the pending drug charges. The written judgment does not reflect that the 18-month sentence is to be served concurrently with any future sentence in Lopez's pending Mississippi drug case.

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

REMANDED.