

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 06-50220
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

REAGAN SULLIVAN,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:05-CR-191-1

Before REAVLEY, WIENER and DENNIS, Circuit Judges.

PER CURIAM:*

Counsel appointed to represent Reagan Sullivan has requested leave to withdraw and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Sullivan has filed a response. The record is insufficiently developed to allow consideration at this time of Sullivan's claims of ineffective assistance of counsel. See United States v. Cantwell, 470 F.3d 1087, 1091 (5th Cir. 2006).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Our independent review of the record, counsel's brief, and Sullivan's response discloses no nonfrivolous issue for appeal, except that the district court's written judgment fails to reflect the dismissal of Count Five and Count Six of the indictment against Sullivan. These counts were dismissed by the district court on the Government's motion. A simple remand to correct such an omission or oversight is proper. See United States v. Powell, 354 F.3d 362, 372 (5th Cir. 2003); see also FED. R. CRIM. P. 36.

Accordingly, we GRANT counsel's motion for leave to withdraw, AFFIRM Sullivan's conviction and sentences, and REMAND to the district court with an instruction to correct the judgment to reflect dismissal of Count Five and Count Six against Sullivan.