

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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No. 13-40760  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**  
September 4, 2014

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

LUIGI MONTES,

Defendant-Appellant

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 4:12-CR-65

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Before DAVIS, CLEMENT, and COSTA, Circuit Judges.

PER CURIAM:\*

The attorney appointed to represent Luigi Montes has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Montes has not filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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Accordingly, 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.

The record, however, reflects a clerical error in the written judgment. Montes was charged with and pleaded guilty to conspiring to make a false statement to the Government *and* to make a false claim against the Government. However, the written judgment describes the "nature of the offense" as conspiracy to make a false statement to the Government. Accordingly, we REMAND for correction of the clerical error in the written judgment in accordance with Federal Rule of Criminal Procedure 36. *See United States v. Higgins*, 739 F.3d 733, 739 n.16 (5th Cir.), *cert. denied*, 134 S. Ct. 2319 (2014); *United States v. Pouncy*, 539 F. App'x 437, 438 (5th Cir. 2013); *United States v. Rosales*, 448 F. App'x 466, 466-67 (5th Cir. 2011).