

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

No. 14-40187
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

January 5, 2015

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RAMON VASQUEZ-DIAZ,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:13-CR-958-1

Before REAVLEY, DENNIS, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

It is undisputed that the written judgment convicting Ramon Vasquez-Diaz of illegal reentry of a deported alien incorrectly reflects that he was convicted under 8 U.S.C. § 1326(b)(2). The parties disagree as to whether the proper remedy is remand for the district court to enter a modified judgment or for this court itself to modify and affirm the judgment. We choose the latter. We therefore **AFFIRM** the judgment of the district court but **REFORM** it to

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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reflect conviction and sentencing under 8 U.S.C. § 1326(a) and (b)(1). *See United States v. Mondragon-Santiago*, 564 F.3d 357, 368-69 (5th Cir. 2009); *see also* 28 U.S.C. § 2106; *United States v. Hermoso*, 484 F. App'x 970, 972-73 (5th Cir. 2012).