

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

No. 14-40909
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 24, 2015

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JORGE IVAN MEDINA-VILLARREAL,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 1:14-CR-319-1

Before REAVLEY, DENNIS, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Jorge Ivan Medina-Villarreal pleaded guilty to being found unlawfully present in the United States following removal. He was sentenced at the top of the recommended sentencing guidelines range to 71 months of imprisonment and a three-year term of supervised release. The parties agree that the judgment of conviction, which states that Medina-Villarreal's prior removal was subsequent to a conviction for an aggravated felony, improperly

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 14-40909

reflects that he was convicted and sentenced under 8 U.S.C. § 1326(b)(2). *See United States v. Mondragon-Santiago*, 564 F.3d 357, 368 (5th Cir. 2009). Because Medina-Villarreal's offense was a § 1326(b)(1) violation rather than a § 1326(b)(2) violation, we REMAND for the limited purpose of reforming the judgment to reflect the proper statute of conviction, § 1326(b)(1), and to state that his prior removal was subsequent to a felony conviction. *See* 28 U.S.C. § 2106. In all other respects, the judgment is AFFIRMED.