

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

No. 14-40923
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 22, 2015

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ADOLFO GALVEZ-PEREZ,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:14-CR-143-1

Before DAVIS, CLEMENT, and COSTA, Circuit Judges.

PER CURIAM:*

Adolfo Galvez-Perez pleaded guilty to being found unlawfully present in the United States following removal. He was sentenced below the recommended Sentencing Guidelines range to 30 months of imprisonment. The parties agree that the judgment of conviction improperly 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 Galvez-

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Perez'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. *See* 28 U.S.C. § 2106. In all other respects, the judgment is AFFIRMED.