

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

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No. 14-41011  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

March 31, 2016

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JUAN ADEMO-MIRANDA, also known as Juan Enamorado, also known as  
Carlos Gonzalez, also known as Jose Castillo Cruz,

Defendant-Appellant

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 4:14-CR-9

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Before JOLLY, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Juan Ademo-Miranda has moved for leave to withdraw and has filed briefs in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Ademo-Miranda has not filed a response. We have reviewed counsel's briefs and the relevant portions of the record reflected

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 14-41011

therein. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. However, the district court committed nonreversible error when it categorized Ademo-Miranda's Texas offense of aggravated assault with a deadly weapon, which resulted in a sentence of deferred adjudication, as an aggravated felony for purposes of 8 U.S.C. § 1326(b)(2). The judgment of the district court is therefore REFORMED to show that Ademo-Miranda was convicted and sentenced under 8 U.S.C. § 1326(b)(1). *See United States v. Mondragon-Santiago*, 564 F.3d 357, 367-69 (5th Cir. 2009). 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.