

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

No. 15-10990
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 13, 2016

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

DAMIEN SHANE JACKSON,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:03-CR-49-1

Before WIENER, HIGGINSON, and COSTA, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Damien Shane Jackson 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). Jackson has not filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein. We

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review.

However, our review of the record reveals two clerical errors that require remand. First, the written order of revocation incorrectly indicates that Jackson "admitted as true the allegations" in the motion to revoke. It fails to reflect that Jackson, while admitting some of the allegations, denied violating his supervised release by using marijuana. It also fails to reflect the district court's finding, based on the evidence presented at the revocation hearing, that revocation was appropriate, in part, because the Government proved those violations by a preponderance of the evidence. *See Morrissey v. Brewer*, 408 U.S. 471, 489 (1972). Second, the district court did not complete a statement of reasons form reflecting in writing its grounds for imposing a sentence that exceeded Jackson's policy statement range. *See United States v. Whitelaw*, 580 F.3d 256, 261-62 (5th Cir. 2009); 18 U.S.C. § 3553(c)(2).

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. We REMAND to the district court for correction of the noted clerical errors pursuant to Federal Rule of Criminal Procedure 36.