

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

No. 16-51084
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

November 17, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

v.

CHADRICK WATERS, also known as Chadrick Damon Waters,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:15-CR-331-1

Before JOLLY, OWEN, and HAYNES, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Chadrick Waters 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). Waters has filed a response. The record is not sufficiently developed to allow us to make a fair evaluation of Waters's claim of ineffective assistance of

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 16-51084

counsel; we therefore decline to consider the claim without prejudice to collateral review. *See United States v. Isgar*, 739 F.3d 829, 841 (5th Cir. 2014).

We have reviewed counsel's briefs and the relevant portions of the record reflected therein, as well as Waters's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review.

Our review reveals a clerical error in the judgment, which fails to reflect the dismissal of certain counts of the indictment and superseding indictment. The record shows that Waters was convicted and sentenced on Count Four of the superseding indictment and that the remaining counts were dismissed. The amended judgment should therefore reflect that the remaining counts were dismissed on the Government's motion. *See United States v. Powell*, 354 F.3d 362, 371-72 (5th Cir. 2003).

Accordingly, 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. Waters's motion to appoint new counsel is DENIED. *See United States v. Wagner*, 158 F.3d 901, 902-03 (5th Cir. 1998). The case is REMANDED for the limited purpose of correcting the clerical error in the judgment. *See* FED. R. CRIM. P. 36.