

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

No. 17-40581
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

January 19, 2018

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JULIAN HERNANDEZ-MOTA,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:16-CR-1113-1

Before DAVIS, CLEMENT, and COSTA, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Julian Hernandez-Mota 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). Hernandez-Mota has not filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Notwithstanding that determination, we note a clerical error in the judgment. Hernandez-Mota pleaded guilty to attempted illegal reentry of a deported alien, while the written judgment states that his offense is reentry of a deported alien. The offense of attempted illegal reentry is a separate and distinct offense from the other means of committing a violation of the illegal reentry statute. *See* 8 U.S.C. § 1326; *United States v. Buendia-Rangel*, 553 F.3d 378, 379 & n.1 (5th Cir. 2008); *United States v. Angeles-Mascote*, 206 F.3d 529, 531 (5th Cir. 2000).

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. The case is REMANDED to the district court for the limited purpose of correcting the clerical error in the judgment. *See* FED. R. CRIM. P. 36.