

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

No. 17-50384
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 29, 2018

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

GABRIEL RANGEL,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 6:16-CR-35-1

Before DAVIS, CLEMENT, and COSTA, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Rangel 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). Rangel has not filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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appellate review. *See United States v. Pesina-Rodriguez*, 825 F.3d 787, 788 (5th Cir. 2016).

Our review reveals clerical errors in the written judgment concerning the description of Rangel's offense and the applicable statutory provisions. Specifically, the judgment reflects that Rangel was convicted and sentenced for conspiracy to possess with intent to distribute methamphetamine under 21 U.S.C. § 846 rather than for possession with intent to distribute methamphetamine under 21 U.S.C. § 841(a)(1) and (b)(1)(C).

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. This matter is REMANDED for the limited purpose of correcting the clerical errors in the judgment. *See* FED. R. CRIM. P. 36; *United States v. Johnson*, 588 F.2d 961, 964 (5th Cir. 1979).