

United States Court of Appeals for the Fifth Circuit

No. 22-10940
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 31, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

J. JESUS BARRERA OSORIO,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:22-CR-118-3

Before JONES, HAYNES, and OLDHAM, *Circuit Judges.*

PER CURIAM:*

The attorney appointed to represent J. Jesus Barrera Osorio 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). Barrera Osorio has not filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein. We

* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

No. 22-10940

concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. 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 record reflects a clerical error in the written judgment; although the judgment identifies the penalty provision for Barrera Osorio's offense as 21 U.S.C. § 841(b)(1)(C), the record indicates that Barrera Osorio pleaded guilty to a violation of § 841(b)(1)(B). *See United States v. Brune*, 991 F.3d 652, 664 n.39 (5th Cir. 2021), *cert. denied*, 142 S. Ct. 755 (2022). Accordingly, we REMAND for the limited purpose of correction of that clerical error in the written judgment in accordance with Federal Rule of Criminal Procedure 36.