

United States Court of Appeals
for the Fifth Circuit

No. 22-11134
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 31, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

FELIPE DE LA CRUZ-ARIAS,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:21-CR-493-1

Before ELROD, OLDHAM, and WILSON, *Circuit Judges.*

PER CURIAM:*

The Federal Public Defender appointed to represent Felipe De La Cruz-Arias 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). De La Cruz-Arias has filed a response. We have reviewed counsel's brief and the relevant portions of the record

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

No. 22-11134

reflected therein, as well as De La Cruz-Arias's response. We 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; though the judgment identifies the statute of conviction as 8 U.S.C. § 1326(a), the record indicates that De La Cruz-Arias was convicted and sentenced pursuant to § 1326(a) and (b)(1). 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.