

United States Court of Appeals
for the Fifth Circuit

No. 23-10118
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
December 20, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

EDGAR LARA ESCALANTE,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:20-CR-530-1

Before SMITH, HIGGINSON, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

The attorney appointed to represent Edgar Lara Escalante 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). Escalante has not filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein. We concur

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

No. 23-10118

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.

However, there are clerical error in the written judgment. The judgment refers to the offense of conviction as "Possession with Intent to Distribute a Controlled Substance," but the record reflects that Escalante pleaded guilty to possession with intent to distribute at least 50 grams of a mixture or substance containing a detectable amount of methamphetamine. *See* 21 U.S.C. § 841(a)(1), (b)(1)(B). Additionally, the judgment states that the offense ended on September 1, 2020, but the record reflects the offense occurred on October 8, 2020. Accordingly, we REMAND for the limited purpose of correcting the clerical errors in the written judgment in accordance with Federal Rule of Criminal Procedure 36. *See United States v. Higgins*, 739 F.3d 733, 739 n.16 (5th Cir. 2014).