

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 2, 2023

Lyle W. Cayce
Clerk

No. 23-40226
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JOSE ANTONIO GONZALEZ-SALAZAR,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 1:22-CR-1164-1

Before KING, HAYNES, and GRAVES, *Circuit Judges.*

PER CURIAM:*

The Federal Public Defender appointed to represent Jose Antonio Gonzalez-Salazar 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). Gonzalez-Salazar has not filed a response. We have reviewed counsel's brief and the relevant portions of the

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

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record reflected therein. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. However, we note that the judgment contains a clerical error in that it lists the incorrect title of the United States Code under which the offense of conviction is provided. This offense falls under Title 8 of the United States Code, not Title 18, and thus the judgment should identify the statute of conviction as 8 U.S.C. § 1326(a), (b)(1).

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 purposed of correcting the judgment to list the correct statute of conviction. *See* FED. R. CRIM. P. 36.