

United States Court of Appeals for the Fifth Circuit

No. 24-10532
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

December 9, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

STEPHEN EARL BENZENHAFER,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:23-CR-122-1

Before ELROD, *Chief Judge*, and SMITH and DUNCAN, *Circuit Judges*.

PER CURIAM:*

The Federal Public Defender appointed to represent Stephen Earl Benzenhafer 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). Benzenhafer has not 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.

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reflected therein. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. We note, however, that the judgment contains a clerical error as it orders Benzenhafer to forfeit his interest in an Apple iPhone SE bearing serial number "FFMFRLZZPLIN." The correct serial number of the subject phone is "FFMFRLZZPLJN."

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 purpose of correcting the clerical error in the judgment. *See* FED. R. CRIM. P. 36.