

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

December 29, 2011

Lyle W. Cayce
Clerk

No. 10-11223
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

WILLIAM ALLEN TILLEY,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 6:10-CR-49-1

Before WIENER, STEWART, and HAYNES, Circuit Judges.

PER CURIAM:*

Defendant-Appellant William Allen Tilley's probation was revoked and he was sentenced to 60 months of imprisonment and three years of supervised release and ordered to pay the \$15,000 fine originally imposed. In his sole issue for appeal, he contends that there is a clerical error in the judgment of the offense of conviction that should be remanded for correction.

The judgment for the offense of conviction states that Tilley was convicted of conspiracy to distribute marijuana in violation of 21 U.S.C. § 841(a)(1)(D).

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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Tilley was charged with violating § 841(b)(1)(D), and § 841(a)(1)(D) does not exist. *Cf.* § 841.

The case is remanded to the district court for the limited purpose of correcting the original judgment to reflect that Tilley was convicted and sentenced under § 841(b)(1)(D) rather than § 841(a)(1)(D). *See* FED. R. CRIM. P. 36. The district court's judgment is **AFFIRMED** in all other respects.