

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

United States Court of Appeals  
Fifth Circuit

**FILED**

January 10, 2012

Lyle W. Cayce  
Clerk

---

No. 10-11294  
Summary Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

PEDRO MCPHEARSON,

Defendant-Appellant

---

Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 1:99-CR-4-2

---

Before REAVLEY, SMITH, and PRADO, Circuit Judges.

PER CURIAM:\*

The district court has clarified its judgment and restated the sentence as the maximum sentence within the guideline range as 262 months incarceration.

That sentence of the court is **AFFIRMED**.

The mandate is recalled for this purpose and this mandate is to be issued *instanter*.

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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