

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

United States Court of Appeals
Fifth Circuit

FILED

November 1, 2011

Lyle W. Cayce
Clerk

No. 10-40304
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MICAHIAH PRUITT,

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:09-CR-91-1

Before KING, JOLLY, and GRAVES, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Micaiah Pruitt 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). Pruitt has filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Pruitt's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. Accordingly, counsel's motion for leave to withdraw is

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.

The record reveals a clerical error in the judgment. The district court orally imposed restitution in the amount of \$1,384,015.26. Although this sum is correctly reflected in the monetary penalties section of the written judgment, the judgment's payment schedule incorrectly lists the restitution amount as \$1,384,115.26. This case is therefore REMANDED for the correction of this clerical error. FED. R. CRIM. P. 36.

MOTION GRANTED; APPEAL DISMISSED; REMANDED FOR CORRECTION OF CLERICAL ERROR.