

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

No. 15-41687

United States Court of Appeals
Fifth Circuit

FILED

August 10, 2018

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff – Appellee,

v.

LUGARDO VAZQUEZ-HERNANDEZ,

Defendant – Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:15-CR-507-1

ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

Before REAVLEY, OWEN, and ELROD, Circuit Judges.

PER CURIAM:*

Lugardo Vazquez-Hernandez raised in this appeal a challenge to the assessment of a Sentencing Guideline enhancement based on the classification of his prior Texas conviction as an aggravated felony. Vazquez-Hernandez has been released from imprisonment and no longer wishes to pursue challenge to

* Pursuant to Fifth Circuit Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Fifth Circuit Rule 47.5.4.

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his term of imprisonment or Sentencing Guideline calculation. Accordingly, we DISMISS his appeal as to these issues.

Vazquez-Hernandez does assert that the district court's judgment should reflect that he was convicted and sentenced under 8 U.S.C. § 1326(b)(1) rather than (b)(2). We REMAND to the district court for the limited purpose of entering a corrected judgment to reflect a conviction and sentence under 8 U.S.C. § 1326(b)(1). *See, e.g., United States v. Gonzalez-Longoria*, 894 F.3d 1274, 1274 (5th Cir. 2018). There being no further issues pending before the court, we do not retain jurisdiction. Mandate to issue forthwith.