

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

August 10, 2020

Lyle W. Cayce  
Clerk

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No. 20-10276  
Conference Calendar

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

JUAN ASAEL VELAZQUEZ, FORMERLY KNOWN AS JUAN ASAEL  
VELAZQUEZ-BENITEZ,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:19-CR-115-1

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Before SMITH, STEWART, and HIGGINSON, *Circuit Judges.*

PER CURIAM:\*

The Federal Public Defender appointed to represent Juan Asael Velazquez 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

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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F.3d 229 (5th Cir. 2011). Velazquez has filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Velazquez's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. However, the district court committed nonreversible error when it imposed judgment under 8 U.S.C. § 1326(b)(2).

The judgment of the district court is therefore REFORMED to reflect a conviction and sentence under 8 U.S.C. § 1326(b)(1). *See United States v. Mondragon-Santiago*, 564 F.3d 357, 367-69 (5th Cir. 2009). 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.