

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

January 23, 2024

Lyle W. Cayce
Clerk

No. 23-40130
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ASHLEY MARIE HERRERA,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:22-CR-1837-2

Before ELROD, OLDHAM, and WILSON, *Circuit Judges.*

PER CURIAM:*

The attorney appointed to represent Ashley Marie Herrera has moved for leave to withdraw and has filed briefs in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Herrera has not filed a response. We have reviewed counsel's briefs and the relevant portions of the record reflected therein. We concur

* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

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with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review but note clerical errors in the judgment. Although the record reflects that Herrera pleaded guilty to transporting an illegal alien in violation of 8 U.S.C. § 1324(a)(1)(A)(ii) and (a)(1)(B)(i), the judgment indicates she also was convicted of an aiding-and-abetting offense, in violation of § 1324(a)(1)(A)(v)(II), and sentenced under § 1324(a)(1)(B)(ii).

Accordingly, 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. The case is REMANDED to the district court for the limited purpose of correcting the errors in the judgment. *See* FED. R. CRIM. P. 36.