

United States Court of Appeals
for the Fifth Circuit

No. 24-40588
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 31, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

EDGAR GARCIA, JR.,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:23-CR-8-1

Before JONES, DENNIS, and SOUTHWICK, *Circuit Judges*.

PER CURIAM: *

Edgar Garcia, Jr., pleaded guilty to count two of a two-count indictment charging him with possession with intent to distribute actual methamphetamine. The district court imposed a sentence and entered final judgment; this appeal followed. On appeal, Garcia only argues that there are

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

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clerical errors in the judgment that must be corrected and asks us to remand. Specifically, the district court's judgment inaccurately reflects that Garcia pleaded guilty to count one of the indictment and that the Government moved to dismiss count two of the indictment. The judgment has it exactly backwards: Garcia pleaded guilty to count two and the Government moved to dismiss count one. The Government concedes the clerical errors and does not oppose a remand. *See* FED. R. CRIM. P. 36 (“[T]he [district] court may at any time correct a clerical error in a judgment, order, or other part of the record, or correct an error in the record arising from oversight or omission.”).

For the foregoing reasons, we REMAND for further proceedings not inconsistent with this opinion. Garcia's appeal is otherwise DISMISSED.