

United States Court of Appeals
for the Fifth Circuit

No. 24-50369
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

December 30, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

SENOVIO RODRIGUEZ-SALAS,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:22-CR-1541-1

Before HAYNES, HIGGINSON, and DOUGLAS, *Circuit Judges*.

PER CURIAM:*

Senovio Rodriguez-Salas again appeals his guilty plea conviction and sentence for illegal reentry into the United States after removal. *See* 8 U.S.C. § 1326. He argues that the district court's third amended judgment contains two clerical errors.

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

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Although the parties agree that Rodriguez-Salas was convicted and sentenced under § 1326(b)(2), Rodriguez-Salas asserts that the third amended judgment stated that he was convicted and sentenced under § 1326(a) & (b)(1)/(2). He argues, and the Government concedes, that this is a clerical error. We agree and remand for the district court to reform the judgment to reflect that Rodriguez-Salas was convicted and sentenced under § 1326(b)(2). *See* FED. R. CRIM. P. 36; *United States v. Fuentes-Rodriguez*, 22 F.4th 504, 506 (5th Cir. 2022).

Next, the original written judgment recommended that Rodriguez-Salas be incarcerated “as close to [] Petersburg, VA if possible.” Rodriguez-Salas argues that the recommendation in the third amended judgment, that he be incarcerated “as close to [] Petersburg, VA as possible,” is a clerical error. We note that we previously remanded to the district court to correct “the original judgment’s clerical errors.” We conclude that, on remand, the district court permissibly corrected a grammatical error in the language of the original written judgment pursuant to Federal Rule of Criminal Procedure 36.

Accordingly, the third amended judgment is REMANDED for the limited purpose of allowing the district court to reform the judgment to reflect that Rodriguez-Salas was convicted and sentenced pursuant to § 1326(b)(2).

The third amended judgment is, in all other respects, AFFIRMED.