

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 30, 2021

Lyle W. Cayce
Clerk

No. 19-20543
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

RONNIE GENE PRESLEY,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:17-CR-434-1

Before DENNIS, COSTA, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

The Federal Public Defender appointed to represent Ronnie Gene Presley 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). Presley has filed a response. The record is not

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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sufficiently developed to allow us to make a fair evaluation of Presley's claim of ineffective assistance of counsel; we therefore decline to consider the claim without prejudice to collateral review. *See United States v. Isgar*, 739 F.3d 829, 841 (5th Cir. 2014).

We have reviewed counsel's briefs and the relevant portions of the record reflected therein, as well as Presley's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review but note a clerical error in the written judgment. Although the judgment lists 18 U.S.C. §§ 2 and 1591(b)(1) among the statutes Presley was convicted of violating, the record indicates he pleaded guilty and was sentenced only under § 1591(a)(1), (a)(2), and (b)(2).

Accordingly, the 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 error in the judgment. *See* FED. R. CRIM. P. 36.