

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

May 28, 2021

Lyle W. Cayce
Clerk

No. 20-10067
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

MARCO ANTONIO LOPEZ-LOPEZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:19-CR-91-1

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

PER CURIAM:*

The Federal Public Defender appointed to represent Marco Antonio Lopez-Lopez 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 F.3d 229 (5th Cir. 2011). Lopez-Lopez has not filed a response.

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 20-10067

We have reviewed counsel's brief and the relevant portions of the record reflected therein. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. 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.

However, we note that, although Lopez-Lopez was convicted and sentenced under 8 U.S.C. § 1326(a) and (b)(1), the written judgment cites only to § 1326(a). Accordingly, we REMAND for correction of the clerical error in the written judgment in accordance with Federal Rule of Criminal Procedure 36. *See United States v. Cooper*, 979 F.3d 1084, 1088-89 (5th Cir. 2020), *cert. denied*, 2021 WL 1073631 (U.S. Mar. 22, 2021) (No. 20-7122).