

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 9, 2021

Lyle W. Cayce
Clerk

No. 20-10255
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

KEVIN JEROME BIBBS,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:19-CR-61-4

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

PER CURIAM:*

The attorney appointed to represent Kevin Jerome Bibbs 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). Bibbs has filed a response. We have reviewed counsel's brief and

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.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. 20-10255

the relevant portions of the record reflected therein, as well as Bibbs's response. 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 and counsel is excused from further responsibilities herein. *See* 5TH CIR. R. 42.2.

We would normally dismiss the appeal following this determination. However, in this case, the record reflects a clerical error in the written judgment. Although the judgment refers to the offense of conviction as distribution and possession with intent to distribute heroin, the record indicates that Bibbs pleaded guilty to possession with intent to distribute heroin. Accordingly, we REMAND for the limited purpose of correction of the clerical error in the written judgment in accordance with Federal Rule of Criminal Procedure 36.