

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

July 6, 2021

Lyle W. Cayce
Clerk

No. 20-40706
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

VICTOR ALFONSO RODRIGUEZ-MARTINEZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:20-CR-48-1

Before SMITH, STEWART, and HIGGINSON, *Circuit Judges.*

PER CURIAM:*

The Federal Public Defender appointed to represent Victor Alfonso Rodriguez-Martinez 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). Rodriguez-Martinez has not filed a

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.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. 20-40706

response. 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.

The record, however, reflects a clerical error in the written judgment. The written judgment states that Rodriguez-Martinez was convicted of violating "8 U.S.C. § 1326(a) and 1226(b)" rather than § 1326(a) and § 1326(b). Accordingly, we REMAND for correction of the written judgment in accordance with Federal Rule of Criminal Procedure 36.