

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

September 2, 2022

Lyle W. Cayce
Clerk

No. 21-10997
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

VERNON RAY STIFF,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
No. 3:20-CR-32-10

Before SMITH, DENNIS, and SOUTHWICK, *Circuit Judges.*

PER CURIAM:*

The attorney appointed to represent Vernon Stiff has moved to withdraw and has filed a brief per *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Stiff has filed a response. The record is not sufficiently developed so as fairly to evaluate Stiff's claim of ineffective assistance of counsel; we therefore decline to consider the

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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claim, but without prejudice to collateral review. *See United States v. Isgar*, 739 F.3d 829, 841 (5th Cir. 2014).

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

There is a clerical error in the written judgment. Stiff was indicted for, and pleaded guilty to, a violation of 21 U.S.C. §§ 846 and 841(a)(1) and (b)(1)(A). The written judgement incorrectly lists those sections as being part of Title 18 instead of Title 21. Accordingly, we REMAND for the limited purpose of correcting that error. *See FED. R. CRIM. P. 36.*