

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

June 7, 2022

Lyle W. Cayce
Clerk

No. 21-50967
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ANDRE EUGENE CRAYTON,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 4:21-CR-372-1

Before KING, COSTA, and HO, *Circuit Judges.*

PER CURIAM:*

The attorney appointed to represent Andre Eugene Crayton 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). Crayton has not filed a response. We have reviewed

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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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, there is a clerical error in written judgment. The record reflects that Crayton pleaded guilty to Count Two of the indictment, which alleged an offense under 8 U.S.C. § 1324(a)(1)(A)(ii) and (a)(1)(B)(ii). The judgment incorrectly describes the "Nature of [the] Offense" as "Transportation of Illegal Aliens for Financial Gain," which is an offense punishable under § 1324(a)(1)(B)(i). Accordingly, we REMAND to the district court for the limited purpose of correcting the clerical error by deleting the portion of the judgment stating that Crayton committed the offense for financial gain. *See* FED. R. CRIM. P. 36; *United States v. Garza*, 587 F.3d 304, 312-13 (5th Cir. 2009).