

United States Court of Appeals for the Fifth Circuit

No. 22-50311
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

February 6, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ANDREW MOHAN BALLANTINE,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 6:19-CR-112-1

Before STEWART, DENNIS, and WILLETT, *Circuit Judges.*

PER CURIAM:*

The attorney appointed to represent Andrew Mohan Ballantine 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). Ballantine has filed a response. To the extent that Ballantine raises a claim relating to ineffective assistance of counsel, the record is not

* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

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sufficiently developed to allow us to make a fair evaluation of that claim; we therefore decline to consider that claim without prejudice to collateral review. *See United States v. Isgar*, 739 F.3d 829, 841 (5th Cir. 2014).

We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Ballantine'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.

We note, however, that there is a clerical error in the written judgment. Although the written judgment indicates that Ballantine pleaded guilty only to Count One of the indictment, the record reflects that Ballantine pleaded guilty to Counts One, Two, and Three of the indictment. Accordingly, we REMAND for correction of the clerical error in the written judgment in accordance with Federal Rule of Criminal Procedure 36.