

# United States Court of Appeals for the Fifth Circuit

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No. 24-50744  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

July 15, 2025

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

CHARLES MITCHELL NASH,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 7:24-CR-76-1

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

PER CURIAM:\*

The attorney appointed to represent Charles Mitchell Nash 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). Nash has not filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein. We concur

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

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with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review.

However, the district court was without jurisdiction to enter the amended judgment during the pendency of this appeal. *See United States v. Willis*, 76 F.4th 467, 472 (5th Cir. 2023). Thus, the original judgment stands. It contains a clerical error regarding Nash's sentence of imprisonment. *See* FED. R. CRIM. P. 36. After the conclusion of this appeal, the district court regains jurisdiction to amend the judgment to correct clerical errors under Federal Rule of Criminal Procedure 36.

Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the appeal is DISMISSED as frivolous. The amended judgment is VACATED for want of jurisdiction and the case is REMANDED for correction of the original judgment's clerical error regarding Nash's prison sentence. *See* 5TH CIR. R. 42.2; *Willis*, 76 F.4th at 472.