

United States Court of Appeals for the Fifth Circuit

No. 25-10204
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

September 17, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

MARCUS ALEXANDER,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:24-CR-207-1

Before STEWART, GRAVES, and OLDHAM, *Circuit Judges*.

PER CURIAM:*

The Federal Public Defender appointed to represent Marcus Alexander 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). Alexander has not filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected

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

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

However, after Alexander filed his notice of appeal, the district court amended the judgment to correct a clerical error as to the number of victims owed restitution. The district court, however, was without jurisdiction to enter the amended judgment during the pendency of this appeal because Alexander's "notice of appeal . . . divested the district court of jurisdiction to act under Rule 36." *United States v. Willis*, 76 F.4th 467, 472 (5th Cir. 2023).

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. Additionally, we REMAND for the limited purpose of allowing the district court to correct the original judgment's clerical error. *See* FED. R. CRIM. P. 36.