

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 09-11337
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT FEB 26, 2010 JOHN LEY CLERK

D. C. Docket No. 08-20598-CR-DLG

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LAZARO MARTINEZ-PADRON,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida

(February 26, 1010)

Before DUBINA, Chief Judge, BIRCH and ANDERSON, Circuit Judges.

PER CURIAM:

Manuel Vazquez, appointed counsel for Lazaro Martinez-Padron in this

direct criminal appeal, has moved to withdraw from further representation of the appellant and filed a brief pursuant to *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967). Our independent review of the entire record reveals that counsel's assessment of the relative merit of the appeal is correct. Because independent examination of the entire record reveals no arguable issues of merit, counsel's motion to withdraw is **GRANTED**, and Martinez's convictions and sentences are **AFFIRMED**.

However, we notice a clerical error in Martinez-Padron's written judgment. The district court orally sentenced Martinez-Padron to 63 months' imprisonment, but the written judgment states that he received a sentence of 60 months. Since the oral pronouncement controls, *see United States v. Khoury*, 901 F.2d 975, 977 (11th Cir. 1990), we **VACATE** the written judgment and **REMAND** for the district court to enter a new judgment stating that Martinez-Padron received a sentence of 63 months' imprisonment. *See Fed.R.Crim.P.* 36.