

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

April 6, 2012

Lyle W. Cayce
Clerk

No. 11-40430
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ALVARO PARAMO,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:10-CR-2073-1

Before JONES, Chief Judge, and HAYNES and GRAVES, Circuit Judges.

PER CURIAM:*

Alvaro Paramo pleaded guilty to attempting to smuggle goods from the United States and making false statements. The district court sentenced Paramo to 60 months of imprisonment and three years of supervised release. In his sole issue for appeal, Paramo contends that there is a clerical error in the judgment of the offense of conviction that should be remanded for correction.

The judgment states that Paramo was convicted of smuggling goods from the United States and making false statements. Attempt offenses are distinct

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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from actual offenses, even where both offenses appear in the same statute. *See United States v. Angeles-Mascote*, 206 F.3d 529, 531 (5th Cir. 2000).

The case is remanded to the district court for the limited purpose of correcting the original judgment to reflect that Paramo was convicted of attempting to smuggle goods from the United States and making false statements. *See* FED. R. CRIM. P. 36. The district court's judgment is AFFIRMED in all other respects.