

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

No. 16-10760
Conference Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 18, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MIGUEL RANGEL-VIEYRA,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:15-CR-260-1

Before KING, HAYNES, and GRAVES, Circuit Judges.

PER CURIAM:*

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

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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The judgment reflects that Rangel-Vieyra was convicted under 8 U.S.C. § 1326(b)(2), but the addendum to the presentence report, which the district court adopted, found that, though Rangel-Vieyra had a prior felony conviction, he did not have a prior aggravated felony conviction and thus that subsection (b)(1) applied. Accordingly, the judgment of the district court is REFORMED to show that Rangel-Vieyra was convicted and sentenced under 8 U.S.C. § 1326(a) and (b)(1). *See United States v. Mondragon-Santiago*, 564 F.3d 357, 367-69 (5th Cir. 2009). 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.