

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

No. 16-40421
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

January 19, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RYAN SCOTT DANIEL TAYLOR,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:15-CR-219-1

Before DAVIS, SOUTHWICK, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Ryan Scott Daniel Taylor appeals an aspect of the sentence imposed after he pleaded guilty to credit card fraud and aggravated identity theft. He argues that the written judgment should be amended to accurately reflect the district court's oral pronouncement at sentencing that it would recommend that Taylor participate in the 500-hour Residential Drug Abuse Treatment Program (RDAP) offered by the Bureau of Prisons (BOP). The written judgment

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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recommends only a non-specific drug treatment program. Taylor contends that the BOP has several drug treatment programs but that only the RDAP can result in a sentence reduction. The Government agrees that the oral and written judgments are in conflict and that a remand for correction of the written judgment is appropriate.

Accordingly, the written judgement is AMENDED to conform to the court's oral pronouncement recommending that Taylor participate in the RDAP specifically. *See United States v. Wheeler*, 322 F.3d 823, 828 (5th Cir. 2003); *United States v. Castaneda*, 494 F. App'x 484, 485 (5th Cir. 2012) (unpublished); 28 U.S.C. § 2106. In all other respects to the judgment is AFFIRMED as amended. *See Wheeler*, 322 F.3d at 828; 28 U.S.C. § 2106.