

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

No. 16-51087
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 2, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

SAMUEL EUGENE BAKER, also known as Samuel E. Baker, also known as Samuel Baker,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:14-CR-933-1

Before KING, DENNIS, and COSTA, Circuit Judges.

PER CURIAM:*

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

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review.

However, there is a clerical error in the written judgment, which fails to reflect the dismissal of certain counts of the indictment. The record shows that Baker was convicted and sentenced on Count Four and that the remaining counts of the indictment were dismissed. The amended judgment therefore should reflect that Counts One, Two, Three, Five, and Six of the indictment were dismissed on the Government's motion. *See United States v. Powell*, 354 F.3d 362, 371-72 (5th Cir. 2003).

Accordingly, counsel's motion for leave to withdraw is GRANTED, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2. The case is REMANDED for the limited purpose of correcting the clerical error in the judgment. *See* FED. R. CRIM. P. 36.