

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

October 2, 2023

Lyle W. Cayce  
Clerk

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No. 23-40226  
Summary Calendar

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

JOSE ANTONIO GONZALEZ-SALAZAR,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 1:22-CR-1164-1

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Before KING, HAYNES, and GRAVES, *Circuit Judges.*

PER CURIAM:\*

The Federal Public Defender appointed to represent Jose Antonio Gonzalez-Salazar 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). Gonzalez-Salazar has not filed a response. We have reviewed counsel's brief and the relevant portions of the

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\* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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record reflected therein. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. However, we note that the judgment contains a clerical error in that it lists the incorrect title of the United States Code under which the offense of conviction is provided. This offense falls under Title 8 of the United States Code, not Title 18, and thus the judgment should identify the statute of conviction as 8 U.S.C. § 1326(a), (b)(1).

Accordingly, 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. The case is REMANDED to the district court for the limited purposed of correcting the judgment to list the correct statute of conviction. *See* FED. R. CRIM. P. 36.