

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

United States Court of Appeals
Fifth Circuit

FILED

August 31, 2009

No. 08-20845

Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ROBINSON JIMENEZ-LAINES also known as Laines Robinson, also known as Robinson Laines, also known as Robinson Jimenez Laines, also known as Robenson Martinez Jimenez,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:08-CR-462-ALL

Before BENAVIDES, PRADO, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Robinson Jimenez-Laines asserts that this court should remand for correction of a clerical error in the judgment pursuant to Federal Rule of Criminal Procedure 36. We remand for the limited purpose of correcting the judgment to reflect that Jimenez was convicted and sentenced under 8 U.S.C.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

§ 1326(a) and (b)(1) rather than under § 1326(a) and (b)(2). *See* FED. R. CRIM. P. 36.

REMANDED FOR THE LIMITED PURPOSE OF CORRECTING
CLERICAL ERROR IN JUDGMENT