

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

November 18, 2010

No. 09-10990
Summary Calendar

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOHNNY PERNELL HARRIS,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:08-CR-189-1

Before JOLLY, GARZA, and STEWART, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Johnny Pernell Harris has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Harris has not filed a response. Our independent review of the record and counsel's brief discloses no nonfrivolous issue for appeal. 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.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 record does reveal a clerical error in the judgment. *See* FED. R. CRIM. P. 36. Although the transcript of the June 26, 2009, revocation hearing clearly reflects that the Government withdrew the charge that Harris violated Standard Condition No. 10 of his supervised release by associating with a person convicted of a felony, the district court's judgment nevertheless indicates that Harris violated this condition. This matter is REMANDED for correction of the clerical error.