

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

United States Court of Appeals
Fifth Circuit

FILED

April 28, 2010

Lyle W. Cayce
Clerk

No. 09-40763

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JORGE ARMANDO ALMANZA-TORRES,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
No. 7:09-CR-321-1

Before DAVIS, SMITH, and DENNIS, Circuit Judges.

PER CURIAM:*

Jorge Almanza-Torres pleaded guilty of having been unlawfully present in the United States. He argues on appeal, and the government concedes, that

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the case should be remanded for correction of clerical errors in the Statement of Reasons, which incorrectly says that the guideline range of imprisonment was based on a total offense level that included a 16-level enhancement pursuant to U.S.S.G. § 2L1.2(b)(1)(A); that the sentence imposed was within the guidelines range of imprisonment; and that an upward departure or variance was not imposed. We remand solely for correction of the clerical errors in the Statement of Reasons. FED. R. CRIM. P. 36. The conviction and sentence are AFFIRMED.