

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**F I L E D**  
July 22, 2010

No. 09-50794  
Summary Calendar

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

CLAYTON BOB BRYAN,

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 7:09-CR-68-3

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Before GARZA, CLEMENT, and OWEN, Circuit Judges.

PER CURIAM:\*

The attorney appointed to represent Clayton Bob Bryan has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Bryan has filed a response and motion for the appointment of substitute counsel. Our independent review of the record, counsel's brief, and Bryan's response discloses no nonfrivolous issue for appeal.

The record does reveal a clerical error in the judgment. The judgment should be corrected to reflect that Bryan was convicted and sentenced under 21

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

U.S.C. §§ 841(a)(1) and (b)(1)(A) and 846 rather than § 841(a)(1) and (b)(1)(C).  
*See* FED. R. CRIM. P. 36.

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. Bryan's motion for the appointment of substitute counsel is DENIED. *See United States v. Wagner*, 158 F.3d 901, 902-03 (5th Cir. 1998). This matter is REMANDED for correction of the clerical error pursuant to FED. R. CRIM. P. 36.