

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

United States Court of Appeals
Fifth Circuit

FILED

July 22, 2010

Lyle W. Cayce
Clerk

No. 09-50794

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

CLAYTON BOB BRYAN,

Defendant-Appellant

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

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

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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