

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

United States Court of Appeals
Fifth Circuit

FILED

August 23, 2013

Lyle W. Cayce
Clerk

No. 12-31181
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

TERRY W. POUNCY,

Defendant-Appellant

Cons. w/ No. 12-31193

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RANDY L. RANDALL,

Defendant-Appellant

Cons. w/ No. 12-31194

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

REGINALD D. LEE,

Defendant-Appellant

No. 12-31181
c/w No. 12-31193
c/w No. 12-31194

Appeals from the United States District Court
for the Southern District of Texas
USDC No. 5:11-CR-317-6
USDC No. 5:11-CR-317-8
USDC No. 5:11-CR-317-12

Before WIENER, OWEN, and HAYNES, Circuit Judges.

PER CURIAM:*

Counsel appointed to represent Terry Pouncy on appeal has filed a motion to withdraw and a brief that relies on *Anders v. California*, 386 U.S. 738 (1967). Pouncy has not filed a response. We have reviewed counsel’s brief and the relevant portions of the record reflected therein. We concur with counsel’s assessment that the appeal presents no nonfrivolous issue for appellate review.

The record does reveal two clerical errors in the judgment, which stated an offense of conviction as “conspiracy to possess with intent to distribute [cocaine],” where the indictment and the guilty plea recognized that offense of conviction as “possession with intent to distribute cocaine.” The judgment should be corrected to reflect that Pouncy was convicted of possession with intent to distribute. *See* FED. R. CRIM. P. 36. With respect to Count 8, the judgment should be corrected to reflect the right code number of 18 (rather than 21) U.S.C. § 924(c)(1). *Id.*

Accordingly, Pouncy’s counsel’s motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and as to Pouncy *only* (Case No. 12-31181) his APPEAL IS DISMISSED. *See* 5TH CIR. R.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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42.2. His case is REMANDED for correction of the clerical errors pursuant to Federal Rule of Criminal Procedure 36.