

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 16-40761
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
July 5, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RAUL CESARIO-MENDO,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:14-CR-1613-1

Before KING, DENNIS, and COSTA, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Raul Cesario-Mendo has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Cesario-Mendo 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.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 16-40761

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. In light of the nonreversible error in describing the offense as a marijuana offense, the judgment of the district court is REFORMED to show that Cesario-Mendo was convicted and sentenced for possession of five kilograms or more of cocaine with intent to distribute. *See, e.g., United States v. Mondragon-Santiago*, 564 F.3d 357, 369 (5th Cir. 2009).