IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

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No. 17-10028
Summary Calendar

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United States Court of Appeals
Fifth Circuit

FILED

May 31, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JAMES LEE WILLIAMS, II, also known as James Lee Williams,

Defendant-Appellant

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Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:12-CR-225-1

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Before DAVIS, SOUTHWICK, and HIGGINSON, Circuit Judges.

PER CURIAM:[*]

James Lee Williams, II, federal prisoner # 97021-079, appeals the district court's denial of his Federal Rule of Criminal Procedure 36 motion to correct the Presentence Report ("PSR") Addendum that was used by the district court in determining his sentence. Williams is serving a 120-month sentence for wire fraud.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 17-10028

Williams argues that he was entitled to relief pursuant to Rule 36 because paragraph 71 of the PSR Addendum incorrectly stated that he had two incident reports for lying or falsifying a statement when he had only one such incident.

In cases where there are no factual disputes, we review a district court's denial of a Rule 36 motion *de novo*. *United States v. Mackay*, 757 F.3d 195, 197 (5th Cir. 2014). Rule 36 provides that a district court may at any time correct a clerical error in the record arising from oversight or omission. FED. R. CRIM. P. 36. The probation officer acknowledged a mistake in Williams's PSR. The district court noted that the record is now clear and the Bureau of Prisons is fully apprised of Williams's background. To the extent that the mistake or oversight is correctable under Rule 36, which we need not decide, the district court is correct that Williams failed to show it is not harmless or that it affects his substantial rights.

Accordingly, the judgment of the district court is AFFIRMED.