

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

United States Court of Appeals
Fifth Circuit

FILED

April 16, 2018

Lyle W. Cayce
Clerk

No. 17-10773
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ARTEMIO VILLA HERNANDEZ,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:16-CR-94-1

Before KING, ELROD, and HIGGINSON, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Artemio Villa Hernandez 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). Villa Hernandez has not filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein. We

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review.

There is a clerical error in the judgment. The written judgment states that the 135-month sentence imposed is to run consecutively to any sentence imposed in Villa Hernandez's pending state case, Case No. 14-10091-T. This statement is inconsistent with the district court's oral pronouncement of the sentence, which ordered the 135-month sentence to run concurrently with any sentence imposed in Case No. 14-10091-T. The written judgment should be corrected to accurately reflect the term of imprisonment imposed at sentencing.

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. This matter is REMANDED for correction of the clerical error pursuant to Federal Rule of Criminal Procedure 36.