

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

United States Court of Appeals
Fifth Circuit

FILED

May 15, 2018

Lyle W. Cayce
Clerk

No. 17-40981
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

CELIN JAVIER MONTOYA-RODRIGUEZ,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:16-CR-1883-2

Before REAVLEY, GRAVES, and HO, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Celin Javier Montoya-Rodriguez 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). Montoya-Rodriguez 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

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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nonfrivolous issue for appellate review. Our review also reveals clerical errors in the district court's written statement of reasons, which does not reflect the guidelines range calculated by the district court or the below-guidelines nature of the sentence imposed.

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. The case is REMANDED for the limited purpose of correcting the clerical errors in the written statement of reasons. *See* FED. R. CRIM. P. 36; *United States v. Cole*, 569 F. App'x 195, 196 (5th Cir. 2014).