

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

No. 17-50385
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 27, 2018

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

GABRIEL RANGEL,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 6:16-CR-68-5

Before DAVIS, CLEMENT, and COSTA, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Gabriel Rangel 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). Rangel 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

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 17-50385

assessment that the appeal presents no nonfrivolous issue for appellate review. *See United States v. Pesina-Rodriguez*, 825 F.3d 787, 788 (5th Cir. 2016).

Our review reveals a clerical error in the written judgment concerning the statutory provision applicable to Rangel's instant drug conspiracy offense. Specifically, the judgment reflects that Rangel was convicted and sentenced under 21 U.S.C. § 841 and omits any reference to 21 U.S.C. § 846, the applicable conspiracy statute.

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 the limited purpose of correcting the clerical error in the judgment. *See* FED. R. CRIM. P. 36; *United States v. Johnson*, 588 F.2d 961, 964 (5th Cir. 1979).