

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

United States Court of Appeals
Fifth Circuit

FILED

May 20, 2020

Lyle W. Cayce
Clerk

No. 19-11247
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ZACHARIAH EFRAIN CASTRO,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:19-CR-43-1

Before JONES, HIGGINSON, and WILLETT, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Zachariah Efrain Castro 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). Castro 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

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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issue for appellate review. However, we note that the judgment incorrectly refers to 21 U.S.C. § 841(v)(1)(A)(viii), a nonexistent section, instead of § 841(b)(1)(A)(viii), as correctly set forth in the indictment to which Castro pleaded guilty. 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 case is REMANDED to the district court for the limited purpose of correcting the clerical error in the judgment.