

United States Court of Appeals for the Fifth Circuit

No. 22-50028
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

November 29, 2022

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

REYMOND PAUL MARQUEZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:20-CR-1478-1

Before JONES, HAYNES, and OLDHAM, *Circuit Judges.*

PER CURIAM:*

The Federal Public Defender appointed to represent Raymond Paul Marquez 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). Marquez has not filed a response. We have

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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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 issue for appellate review. 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.

However, we note that, although Marquez pleaded guilty to an offense under 21 U.S.C. § 841(a), the written judgment also cites, incorrectly, 21 U.S.C. § 846. Accordingly, we REMAND for correction of the clerical error in the written judgment in accordance with Federal Rule of Criminal Procedure 36. *See United States v. Cooper*, 979 F.3d 1084, 1088-89 (5th Cir. 2020), *cert. denied*, 141 S. Ct. 1715 (2021).