

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

No. 01-20406
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GUSTAVO LOEZA-MARTINEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-00-CR-817

December 11, 2001

Before POLITZ, WIENER, and PARKER, Circuit Judges.

PER CURIAM:*

Gustavo Loeza-Martinez contends on appeal that a conflict exists between the district court's oral pronouncement at his sentencing hearing and the written judgment. Loeza-Martinez asserts that the court remitted the \$100 special assessment at the hearing; however, the subsequent written judgment contains the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

\$100 assessment. A review of the record reveals that the district court followed statutory authority both mandating the imposition of the assessment, and permitting a remittance upon a motion by the Government demonstrating an inability to collect.¹ The transcript from the sentencing hearing as well as the court's minute entry, recite that the \$100 special assessment was imposed but, on the motion of the Government, the district court remitted the special assessment. Accordingly, no conflict or ambiguity exists in the record to justify a remand.² The judgment of the district court is AFFIRMED.

¹18 U.S.C. §§ 3013, 3573.

²United States v. Martinez, 250 F.3d 941(5th Cir. 2001).