

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

No. 14-50474
Conference Calendar

United States Court of Appeals
Fifth Circuit

FILED

February 24, 2015

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

EVAN RAY GOODWIN,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:13-CR-349-1

Before DAVIS, ELROD, and COSTA, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Evan Ray Goodwin 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). Goodwin 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 issue for appellate review.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 14-50474

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 record, however, reflects a clerical error in the written judgment. The written judgment states that Goodwin pleaded guilty to the offense of "possession with intent to distribute a mixture and substance containing methamphetamine"; however, the indictment charged, and Goodwin pleaded guilty to, the offense of "unlawfully, knowingly and intentionally distribut[ing] . . . a mixture and substance containing . . . methamphetamine." Both are violations of 21 U.S.C. § 841(a). 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. Higgins*, 739 F.3d 733, 739 n.16 (5th Cir.), *cert. denied*, 134 S. Ct. 2319 (2014); *United States v. Rosales*, 448 F. App'x 466, 466-67 (5th Cir. 2011).