

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

United States Court of Appeals
Fifth Circuit

FILED

February 18, 2009

No. 07-20897
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

JESUS GALLEGOS-PAZ, also known as Jesus Gallegos Paz, also known as
Jesus Paz Gallegos

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:07-CR-258-ALL

Before HIGGINBOTHAM, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

Jesus Gallegos-Paz asks us to direct the district court to correct his judgment of conviction under Federal Rule of Criminal Procedure 36 to reflect that he was convicted under 8 U.S.C. § 1326 of knowing and unlawful presence in the United States after deportation following conviction for an aggravated felony. Section 1326 is entitled “[r]eentry of removed aliens.” The judgment describes the offense as “[i]llegal re-entry.”

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Rule 36 authorizes the correction of clerical errors, which exist when “the court intended one thing but by merely clerical mistake or oversight did another.” *United States v. Steen*, 55 F.3d 1022, 1026 n.3 (5th Cir. 1995) (internal quotation marks and citations omitted). Because the description of the offense closely tracks the title of § 1326, there is no indication of mistake or oversight. Rather, it appears that the district court intentionally used the phrase “[i]llegal reentry” to refer to § 1326 generally. *See United States v. Buendia-Rangel*, 553 F.3d 378, 379 (5th Cir. 2008). Therefore, there is no clerical error, and the judgment of the district court is AFFIRMED.