

United States Court of Appeals for the Fifth Circuit

No. 23-40158
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
September 7, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ROBERT LEE WILKES, JR.,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:21-CR-1856-1

Before STEWART, ELROD, and SOUTHWICK, *Circuit Judges*.

PER CURIAM:*

The Federal Public Defender appointed to represent Robert Lee Wilkes, Jr., 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). Wilkes has filed a response. The record is not sufficiently developed to allow us to make a fair evaluation of

* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

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Wilkes's claims of ineffective assistance of counsel; we therefore decline to consider the claims without prejudice to collateral review. *See United States v. Isgar*, 739 F.3d 829, 841 (5th Cir. 2014).

We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Wilkes's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. Accordingly, the 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.

Our review reveals a clerical error in the written judgment. Wilkes pleaded guilty to count six of the indictment. The judgment states that he pleaded guilty to count six of the indictment, but it also lists that he was adjudicated guilty of count one. Thus, this matter is REMANDED for the limited purpose of correcting the clerical error in the judgment in accordance with Federal Rule of Criminal Procedure 36.