

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 07-10080
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JAN 15, 2009 THOMAS K. KAHN CLERK

D. C. Docket No. 06-00136-CR-WS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ERVIN BERNARD EARL,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Alabama

(January 15, 2009)

Before BLACK, BARKETT and MARCUS, Circuit Judges.

PER CURIAM:

Barre C. Dumas, appointed counsel for Ervin Bernard Earl, has filed a

motion to withdraw on appeal supported by a brief prepared pursuant to Anders v. California, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967). Our independent review of the entire record reveals that counsel's assessment of the relative merit of the appeal is correct. Because independent examination of the entire record reveals no issues of arguable merit, counsel's motion to withdraw is **GRANTED** and Earl's convictions are **AFFIRMED**. We note, however, that the judgment and the order memorializing the jury's verdict incorrectly substitute 18 U.S.C. § 1853 for 18 U.S.C. § 1513. Therefore, we **VACATE** and **REMAND** with instructions that the district court correct the judgment and the order memorializing the jury's verdict by replacing 18 U.S.C. § 1853 with 18 U.S.C. § 1513.