

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

February 25, 2025

Lyle W. Cayce
Clerk

No. 23-50866

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ELAUTERIO AGUILAR-TORRES,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 4:23-CR-272-1

Before ELROD, *Chief Judge*, JONES, SMITH, STEWART, RICHMAN, SOUTHWICK, HAYNES, GRAVES, HIGGINSON, WILLETT, HO, DUNCAN, ENGELHARDT, OLDHAM, WILSON, DOUGLAS and RAMIREZ, *Circuit Judges*.

PER CURIAM:

The en banc court has considered all briefs filed, the oral arguments of counsel, and the record. Pretermitted consideration of the jurisdictional issues presented by amicus, the court GRANTS defendant-appellant's alternative request to withdraw his Motion for Summary Affirmance. This case is returned to the panel for further proceedings.