

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

No. 14-50837
Conference Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 21, 2015

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ARMANDO LEYVA-MUNOZ,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:14-CR-334-1

Before REAVLEY, SMITH, and GRAVES, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Armando Leyva-Munoz raises an argument that he concedes is foreclosed by *Almendarez-Torres v. United States*, 523 U.S. 224, 228, 231-35 (1998), in which the Supreme Court determined that convictions used to enhance a sentence under 8 U.S.C. § 1326(b) need not be set forth in the indictment. Accordingly, the Government's motion for summary affirmance is GRANTED, its alternative

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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motion for an extension of time to file a brief is DENIED, and the judgment of the district court is AFFIRMED.