

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

No. 15-10324
Conference Calendar

United States Court of Appeals
Fifth Circuit

FILED

December 15, 2015

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSE LUIS PEREZ-AYALA,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:14-CR-124-1

Before JONES, SOUTHWICK, and COSTA, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Jose Luis Perez-Ayala raises an argument that is foreclosed by *United States v. Tuma*, 738 F.3d 681 (5th Cir. 2013), *cert. denied*, 134 S. Ct. 2875 (2014). In *Tuma*, we held that *Alleyne v. United States*, 133 S. Ct. 2151 (2013) applies “only to facts that increase a statutory mandatory minimum sentence” and rejected the argument that *Alleyne* requires that any fact that increases a defendant’s minimum sentence,

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

No. 15-10324

including facts that raise the guidelines range, be found by a jury beyond a reasonable doubt. *Tuma*, 738 F.3d at 693. The motion for summary affirmance is GRANTED, the alternative request for an extension of time is DENIED, and the judgment of the district court is AFFIRMED.