

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

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No. 17-50198  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

January 3, 2018

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff–Appellee,

versus

QUIRINO PEREZ-MARTINEZ,

Defendant–Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
No. 2:16-CR-305-1

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Before HIGGINBOTHAM, JONES, and SMITH, Circuit Judges.

PER CURIAM:\*

Quirino Perez-Martinez appeals the sentence for his conviction of illegal

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 17-50198

reentry. *See* 8 U.S.C. § 1326(a), (b). He maintains that the sentence violates due process because it was enhanced based on a conviction not alleged in the indictment, but he correctly concedes that his position is foreclosed by *Almendarez-Torres v. United States*, 523 U.S. 224, 226–27, 235, 247 (1998). Accordingly, the government’s motion for summary affirmance is GRANTED, its alternative motion for an extension of time to file its brief is DENIED, and the judgment is AFFIRMED.