

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

United States Court of Appeals
Fifth Circuit

FILED

June 3, 2020

Lyle W. Cayce
Clerk

No. 19-20757
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

SERGIO MADRIZ SANDOVAL,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:19-CR-165-1

Before JOLLY, JONES, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Sergio Madriz Sandoval has appealed his conviction of illegal reentry after removal in violation of 8 U.S.C. § 1326. He contends that the district court erred in denying his motion to dismiss the indictment in light of *Pereira v. Sessions*, 138 S. Ct. 2105 (2018). He concedes that his legal contentions are foreclosed, and he raises them to preserve them for further review. *See United States v. Pedroza-Rocha*, 933 F.3d 490, 496-98 (5th Cir. 2019), *cert. denied* 2020

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 19-20757

WL 2515686 (U.S. May 28, 2020) (No. 19-6588); *Pierre-Paul v. Barr*, 930 F.3d 684, 689-93 (5th Cir. 2019), *cert. denied* 2020 WL 1978950 (U.S. Apr. 27, 2020) (No. 19-779). The Government has filed an unopposed motion for summary affirmance.

Because there is no substantial question as to the outcome of this case, the motion for summary affirmance is GRANTED. The Government's alternative motion for an extension of time within which to file a brief is DENIED. The judgment is AFFIRMED.