

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

United States Court of Appeals
Fifth Circuit

FILED

December 13, 2019

Lyle W. Cayce
Clerk

No. 19-50192
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellant

v.

MARIA FRANCISCA CHAVEZ-FLORES,

Defendant-Appellee

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:18-CR-3229-1

Before SMITH, DENNIS, and DUNCAN, Circuit Judges.

PER CURIAM:*

Appealing the district court's dismissal of an indictment charging an offense under 8 U.S.C. § 1326, the Government moves for summary disposition, arguing that the dismissal was erroneous in light of our recent decision in *United States v. Pedroza-Rocha*, 933 F.3d 490 (5th Cir. 2019), *petition for cert. filed* (U.S. Nov. 6, 2019) (No. 19-6588). Maria Francisca Chavez-Flores, the defendant, has not filed a response in opposition. As the

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Government argues, this case is indistinguishable from *Pedroza-Rocha*, where we reversed the district court's dismissal of an indictment charging the defendant with a violation of § 1326.

Accordingly, the Government's motion for summary disposition is GRANTED, the Government's alternative motion for an extension of time to file a brief is DENIED, the district court's order dismissing the indictment is REVERSED, and the matter is REMANDED for further proceedings.