

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

United States Court of Appeals
Fifth Circuit

FILED

February 27, 2020

Lyle W. Cayce
Clerk

No. 19-50376
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellant

v.

JUANA GONZALEZ-MORALES,

Defendant-Appellee

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:19-CR-428-1

Before CLEMENT, ELROD, and OLDHAM, 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). Juana Gonzalez-Morales does not oppose the motion. We agree with the Government.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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