

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

August 10, 2020

Lyle W. Cayce
Clerk

No. 20-50249
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ARTURO CORONADO ANGEL-DE LEON,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:19-CR-961-1

Before HIGGINBOTHAM, JONES, and COSTA, *Circuit Judges.*

PER CURIAM:*

Arturo Coronado Angel-De Leon was convicted of illegal reentry, in violation of 8 U.S.C. § 1326, and sentenced above the advisory guidelines range to 24 months of imprisonment and a three-year term of supervised

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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release. The Government moves for summary affirmance or, alternatively, for an extension of time to file its brief.

The sole issue raised on appeal is whether it violates the Constitution to apply the enhanced sentencing range in § 1326(b) based on a prior conviction that was not alleged in the indictment or found by a jury beyond a reasonable doubt. Angel De-Leon concedes that the claim is foreclosed by *Almendarez-Torres v. United States*, 523 U.S. 224 (1998), however, and raises it only to preserve the issue for further review.

Accordingly, the motion for summary affirmance is GRANTED, and the Government's alternative motion for an extension of time is DENIED. The judgment of the district court is AFFIRMED.