

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

August 5, 2022

Lyle W. Cayce  
Clerk

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No. 21-51096  
CONSOLIDATED WITH  
No. 21-51097  
Summary Calendar

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

WILLIAM GONZALEZ-RAMIREZ,

*Defendant—Appellant.*

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Appeals from the United States District Court  
for the Western District of Texas  
USDC No. 4:21-CR-555-1  
USDC No. 4:21-CR-641-1

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Before SOUTHWICK, OLDHAM, and WILSON, *Circuit Judges.*

PER CURIAM:\*

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 21-51096

c/w No. 21-51097

William Gonzalez-Ramirez appeals the sentence imposed following his guilty plea conviction for illegal reentry after deportation, as well as the revocation of the term of supervised release he was serving at the time of the offense. He argues that 8 U.S.C. § 1326(b) is unconstitutional because it allows a sentence above the otherwise applicable statutory maximum of two years of imprisonment and one year of supervised release based on facts that are neither alleged in the indictment nor found by a jury beyond a reasonable doubt. Because Gonzalez-Ramirez does not address the validity of the revocation or the revocation sentence, he has abandoned any challenge to them. *See Yohey v. Collins*, 985 F.2d 222, 224–25 (5th Cir. 1993).

Gonzalez-Ramirez has filed an unopposed motion for summary disposition and a letter brief correctly conceding that the issue is foreclosed by *Almendarez-Torres v. United States*, 523 U.S. 224 (1998). He explains that he has raised the issue only to preserve it for possible further review. Accordingly, summary disposition is appropriate. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). Gonzalez-Ramirez's motion is GRANTED, and the district court's judgments are AFFIRMED.