

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

August 12, 2022

Lyle W. Cayce  
Clerk

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No. 22-50271  
Summary Calendar

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

MARCOS SANCHEZ-VARGAS,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 4:21-CR-986-1

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Before SMITH, DENNIS, and SOUTHWICK, *Circuit Judges.*

PER CURIAM:\*

Marcos Sanchez-Vargas was convicted and sentenced for illegal reentry after removal under 8 U.S.C. §§ 1326(a) and (b)(1). Though he now argues for the first time that Section 1326(b) is unconstitutional, he has filed an unopposed motion for summary affirmance. His letter brief explains that

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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he raises the issue to preserve it and correctly concedes his argument is foreclosed by *Almendarez-Torres v. United States*, 523 U.S. 224, 226 (1998). *See, e.g., United States v. Pervis*, 937 F.3d 546, 553–54 (5th Cir. 2019). Summary disposition is therefore appropriate. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).

The unopposed motion for summary affirmance is GRANTED. The district court’s judgment is AFFIRMED.