

United States Court of Appeals  
for the Fifth Circuit

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No. 22-50897  
CONSOLIDATED WITH  
No. 22-50898  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

July 10, 2023

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

IKER FABRICIO MENDEZ-ALFARO,

*Defendant—Appellant.*

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Appeals from the United States District Court  
for the Western District of Texas  
USDC Nos. 4:19-CR-642-4, 4:22-CR-243-1

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Before DAVIS, HAYNES, and HO, *Circuit Judges.*

PER CURIAM:\*

Iker Fabricio Mendez-Alfaro appeals his conviction and sentence for illegal reentry in violation of 8 U.S.C. § 1326(a) and (b)(2) as well as the judgment revoking his supervised release for a prior offense. He has not briefed, and has therefore abandoned, any challenge to the revocation of

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\* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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supervised release or to the revocation sentence. *See United States v. Reagan*, 596 F.3d 251, 254-55 (5th Cir. 2010).

Mendez-Alfaro contends that the enhancement of his illegal-reentry sentence pursuant to § 1326(b) is unconstitutional because the fact of a prior conviction was not charged and proved beyond a reasonable doubt. He has filed a letter brief and an unopposed motion for summary affirmance in which, explaining that he seeks to preserve the issue for further review, he concedes this argument is foreclosed by *Almendarez-Torres v. United States*, 523 U.S. 224 (1998). Because Mendez-Alfaro is correct that his argument is foreclosed, *see United States v. Pervis*, 937 F.3d 546, 553-54 (5th Cir. 2019), summary disposition is appropriate, *see Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).

For these reasons, Mendez-Alfaro's motion is GRANTED, and the judgments of the district court are AFFIRMED.