

United States Court of Appeals
for the Fifth Circuit

No. 22-50943
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 3, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

AMBROSIO NOLASCO-ARIZA,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:21-CR-234-1

Before DAVIS, DUNCAN, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

Ambrosio Nolasco-Ariza appeals his conviction for illegal reentry into the United States after having been removed, in violation of 8 U.S.C. § 1326. He contends that § 1326 violates the Fifth Amendment's equal protection principles. He concedes that this argument is foreclosed by our recent decision in *United States v. Barcenas-Rumualdo*, 53 F.4th 859, 862 (5th

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

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Cir. 2022), and merely raises this issue to preserve it for further review. The Government has moved without opposition for summary affirmance, or, alternatively, for an extension of time to file a brief.

Because summary affirmance is appropriate, *see Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969), the Government's motion for summary affirmance is GRANTED, the Government's alternative motion for an extension of time to file a brief is DENIED, and the district court's judgment is AFFIRMED.