

United States Court of Appeals for the Fifth Circuit

No. 23-11217
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 2, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

RAUNEL GARCIA-SUAREZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:22-CR-476-1

Before BARKSDALE, GRAVES, and OLDHAM, *Circuit Judges.*

PER CURIAM:*

Raunel Garcia-Suarez challenges on two bases his guilty-plea conviction and within-Guidelines 70-months' sentence for illegal reentry after removal from the United States, in violation of 8 U.S.C. § 1326(a) (prohibiting reentry of removed aliens), (b)(1) (setting applicable maximum penalty).

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

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Garcia correctly concedes his contention that § 1326(b) violates due process is foreclosed by *Almendarez-Torres v. United States*, 523 U.S. 224 (1998), but raises the issue to preserve it for possible further review. *See United States v. Pervis*, 937 F.3d 546, 553–54 (5th Cir. 2019) (discussing *Almendarez-Torres*).

He has abandoned, by failing to adequately brief, his challenge to the substantive reasonableness of his sentence. *See, e.g., United States v. Stalaker*, 571 F.3d 428, 439–40 (5th Cir. 2009) (explaining challenges were waived when appellant did “not cite the record or relevant law”); FED. R. APP. P. 28(a)(8) (outlining requirements for appellant’s brief).

AFFIRMED.