

United States Court of Appeals for the Fifth Circuit

No. 23-50547
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 5, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JOSE DOMINGO CARRANZA-RUBIO,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:21-CR-1423-1

Before SMITH, HIGGINSON, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

Jose Domingo Carranza-Rubio appeals his conviction for illegal reentry under 8 U.S.C. § 1326(a). He asserts for the first time on appeal that the statutory sentencing enhancement in § 1326(b) is unconstitutional, although he concedes that the issue is foreclosed by *Almendarez-Torres v.*

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

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United States, 523 U.S. 224 (1998). He thus moves for summary disposition of the appeal.

Because Carranza-Rubio's 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). The motion is GRANTED, and the judgment of the district court is AFFIRMED.