

# United States Court of Appeals for the Fifth Circuit

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No. 24-50288  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

December 3, 2024

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

IVAN MUNOZ-FAVELA,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 3:23-CR-1271-1

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Before HAYNES, HIGGINSON, and DOUGLAS, *Circuit Judges.*

PER CURIAM:\*

Ivan Munoz-Favela appeals following his conviction for illegal reentry in violation of 8 U.S.C. § 1326(a), arguing for the first time on appeal that the statutory sentencing enhancement in § 1326(b) is unconstitutional. He concedes this argument is foreclosed by *Almendarez-Torres v. United States*,

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

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523 U.S. 224 (1998), and has filed an unopposed motion for summary disposition.

Because the 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). Accordingly, the motion for summary disposition is GRANTED, and the judgment of the district court is AFFIRMED.