

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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No. 18-50910  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

August 1, 2019

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff–Appellee,

versus

PEDRO JORGE MORENO-GARCIA,

Defendant–Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
No. 3:18-CR-1325-1

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Before DAVIS, SMITH, and DUNCAN, Circuit Judges.

PER CURIAM:\*

Pedro Moreno-Garcia appeals his conviction of illegal reentry after

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

## No. 18-50910

deportation. He maintains that the district court erred by admitting executed warrants of his deportations into evidence in violation of the Confrontation Clause. He concedes that his position is foreclosed by *United States v. Garcia*, 887 F.3d 205, 212–14 (5th Cir.), *cert. denied*, 139 S. Ct. 228 (2018), but he raises the issue to preserve it for possible further review.

In *Garcia, id.*, this court held that deportation warrants are non-testimonial and may be admitted in criminal prosecutions absent confrontation. Thus, Moreno-Garcia’s argument is foreclosed, and summary affirmance is appropriate. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).

Accordingly, the government’s unopposed motion for summary affirmance is GRANTED, its alternative motion for an extension of time is DENIED, and the judgment is AFFIRMED.