

United States Court of Appeals
for the Fifth Circuit

No. 22-50375
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

January 12, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

MANUEL CAMILO ORDONEZ-MENDOZA,

Defendant—Appellant,

CONSOLIDATED WITH

No. 22-50399
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

MANUEL ORDONEZ-MENDOZA,

Defendant—Appellant.

Appeals from the United States District Court
for the Western District of Texas
USDC No. 4:21-CR-1045-1
USDC No. 4:22-CR-2-1

No. 22-50375
c/w No. 22-50399

Before SMITH, SOUTHWICK, and DOUGLAS, *Circuit Judges*.

PER CURIAM: *

Manuel Ordonez-Mendoza appeals his sentence for illegal reentry in violation of 8 U.S.C. § 1326(a) and (b)(2) and appeals the revocation of the term of supervised release he was serving at the time of the offense. Regarding the former, Ordonez-Mendoza contends that the enhancement of his sentence per § 1326(b) is unconstitutional because the fact of a prior conviction was not charged and proven beyond a reasonable doubt. Because Ordonez-Mendoza does not address the revocation or the revocation sentence, he has abandoned any challenge to them. *See Yohey v. Collins*, 985 F.2d 222, 224–25 (5th Cir. 1993).

Ordonez-Mendoza has filed an unopposed motion for summary disposition and a letter brief explaining that he raises this issue only to preserve it for further review, correctly conceding it to be foreclosed by *Almendarez-Torres v. United States*, 523 U.S. 224 (1998). *See United States v. Pervis*, 937 F.3d 546, 553–54 (5th Cir. 2019).

Because summary disposition is appropriate, *see Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969), Ordonez-Mendoza’s motion is GRANTED, and the judgments are AFFIRMED.

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