

United States Court of Appeals for the Fifth Circuit

No. 23-50195
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
September 12, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

VICTOR MANUEL CORONA-LOPEZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:22-CR-1671-1

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

PER CURIAM:*

Victor Corona-Lopez appeals his conviction and sentence for illegal reentry under 8 U.S.C. § 1326(a) and (b)(1). Corona-Lopez contends that treating a prior felony conviction that increases the statutory maximum under § 1326(b) as a sentencing factor, rather than a separate element of the offense, is unconstitutional. He has filed an unopposed motion for summary disposition and a letter brief conceding, correctly, that this issue is foreclosed by

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

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Almendarez-Torres v. United States, 523 U.S. 224 (1998). *See United States v. Pervis*, 937 F.3d 546, 553–54 (5th Cir. 2019). Corona-Lopez asserts that he has raised the issue only to preserve it for possible further review.

Because 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 is AFFIRMED.