

# United States Court of Appeals for the Fifth Circuit

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No. 23-50485  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

February 15, 2024

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

CARLOS ENRIQUE NAVARRO-TREVINO,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 3:23-CR-105-1

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

PER CURIAM:\*

Carlos Enrique Navarro-Trevino appeals following his conviction for illegally reentering the United States after removal. He argues that the statutory sentencing enhancement in 8 U.S.C. § 1326(b) is unconstitutional. Navarro-Trevino has filed an unopposed motion for summary disposition, correctly conceding that the only issue he raises is foreclosed by *Almendarez-*

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

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

Accordingly, because summary disposition is appropriate, see *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969), Navarro-Trevino's motion is GRANTED and the district court's judgment is AFFIRMED.