

United States Court of Appeals
for the Fifth Circuit

No. 23-50909
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 6, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

EDGAR CRUZ ROBLEDO,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:23-CR-1183-1

Before ELROD, OLDHAM, and WILSON, *Circuit Judges*.

PER CURIAM:*

Edgar Cruz Robledo 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*

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

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States, 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.