

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

February 11, 2025

Lyle W. Cayce
Clerk

No. 24-10706
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

KEVIN GREGORY KNOWLES,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:17-CR-54-1

Before DENNIS, HO, and OLDHAM, *Circuit Judges*.

PER CURIAM:*

Kevin Gregory Knowles appeals the district court's judgment revoking his supervised release and sentencing him to 24 months of imprisonment. Knowles challenges the constitutionality of 18 U.S.C. § 3583(g), which mandates revocation of supervised release and a term of

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

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imprisonment for any offender who violates specified conditions of supervised release, including possession of a firearm.

Relying on *United States v. Haymond*, 588 U.S. 634 (2019), Knowles contends that § 3583(g) is unconstitutional because it requires revocation of a term of supervised release and imposition of a term of imprisonment without affording the defendant the constitutionally guaranteed right to a jury trial and proof beyond a reasonable doubt. However, he concedes that his challenge is foreclosed by *United States v. Garner*, 969 F.3d 550 (5th Cir. 2020), and merely raises this issue to preserve it for further review. The Government has filed an unopposed motion for summary affirmance, or, alternatively, for an extension of time to file a brief.

In *Garner*, we rejected the argument that Knowles has advanced and held that § 3583(g) is not unconstitutional under *Haymond*. *See Garner*, 969 F.3d at 551–53. Thus, Knowles’s sole argument on appeal 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 motion for summary affirmance is GRANTED, the Government’s alternative motion for an extension of time to file a brief is DENIED, and the district court’s judgment is AFFIRMED.