

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

June 12, 2026

Lyle W. Cayce
Clerk

No. 25-11140
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JOHN MOLDOVAN,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:21-CR-201-1

Before ELROD, *Chief Judge*, and STEWART, and HIGGINSON, *Circuit Judges*.

PER CURIAM:*

John Moldovan appeals from the judgment of the district court revoking his term of supervised release and sentencing him to 10 months of imprisonment. Relying on *United States v. Haymond*, 588 U.S. 634 (2019), Moldovan argues that 18 U.S.C. § 3583(g) is unconstitutional because it requires revocation of supervised release and imposition of a term of

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

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imprisonment without affording the defendant the constitutionally guaranteed right to a jury trial or requiring proof beyond a reasonable doubt. However, he acknowledges that his challenge is foreclosed by *United States v. Garner*. 969 F.3d 550 (5th Cir. 2020). The Government has filed an unopposed motion for summary affirmance or, alternatively, for an extension of time to file its brief.

In *Garner*, we rejected the argument that Moldovan has asserted and held that § 3583(g) is not unconstitutional under *Haymond*. *See Garner*, 969 F.3d at 551-53. Thus, Moldovan's sole argument on appeal is foreclosed, and summary affirmance is proper. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). Accordingly, the Government's motion for summary affirmance is GRANTED. Its alternative motion for an extension of time is DENIED, and the district court's judgment is AFFIRMED.