

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 16, 2021

Lyle W. Cayce
Clerk

No. 20-50573
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ISIDRO CAMPOS,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:19-CR-193-1

Before HIGGINBOTHAM, JONES, and COSTA, *Circuit Judges.*

PER CURIAM:*

Isidro Campos appeals his convictions for conspiracy to possess with intent to distribute 50 grams or more of methamphetamine and one count of possession of a firearm in furtherance of a drug trafficking offense. He argues that the district court erred in allowing the Government to withhold a motion

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 20-50573

for a third-level downward adjustment to his offense level under U.S.S.G. § 3E1.1(b), because he had filed a motion to suppress. He concedes that the issue is foreclosed by *United States v. Longoria*, 958 F.3d 372, 379 (5th Cir. 2020), *petition for cert. filed* (U.S. Sept. 11, 2020) (No. 20-5715), but seeks to preserve the issue for further review. The Government has filed an unopposed motion for summary affirmance, agreeing that the issue is foreclosed by *Longoria*. Alternatively, the Government requests an extension of time to file its brief.

As he concedes, Campos's argument is foreclosed. *See Longoria*, 958 F.3d at 376-79. Because the Government's position "is clearly right as a matter of law so that there can be no substantial question as to the outcome of the case," *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969), 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 judgment of the district court is AFFIRMED.