

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

September 28, 2022

Lyle W. Cayce
Clerk

No. 21-11281
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

EDWARD SANCHEZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:20-CR-245-1

Before JONES, HAYNES, and OLDHAM, *Circuit Judges.*

PER CURIAM:*

Edward Sanchez appeals the 78-month sentence imposed following his conviction for possession of a firearm after a felony conviction. He argues that the district court reversibly erred in calculating his advisory guidelines range by classifying his prior Texas conviction for aggravated assault as a

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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crime of violence pursuant to U.S.S.G. § 4B1.2(a). He asserts that the relevant version of the Texas aggravated assault statute is broader than generic aggravated assault and would not otherwise qualify as a crime of violence for purposes of the Guidelines.

The Government has filed an unopposed motion for summary affirmance, correctly asserting that the issue raised on appeal is foreclosed. *See United States v. Guillen-Alvarez*, 489 F.3d 197, 200-01 (5th Cir. 2007). Sanchez concedes that the sole issue raised on appeal is foreclosed by our precedent, but he seeks to preserve it for further review. Accordingly, summary affirmance is appropriate. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). The Government's motion for summary affirmance is GRANTED, and the district court's judgment is AFFIRMED. The Government's alternative motion for an extension of time to file a brief is DENIED as MOOT.