

United States Court of Appeals  
for the Fifth Circuit

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No. 22-50501  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

January 9, 2023

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

AARON JOCET JARQUIN-HERNANDEZ,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 4:22-CR-7-1

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

PER CURIAM:\*

Aaron Jocet Jarquin-Hernandez appeals his conviction and sentence for illegal reentry after deportation in violation of 8 U.S.C. § 1326(a) and (b)(2). He challenges the constitutionality of § 1326(b), which increases the maximum punishment based on a prior felony or aggravated felony conviction. Jarquin-Hernandez concedes that his argument is foreclosed and

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

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indicates he wishes to preserve it for further review. In addition, he has filed an unopposed motion for summary disposition.

Jarquin-Hernandez is correct that the sole issue raised on appeal is foreclosed by *Almendarez-Torres v. United States*, 523 U.S. 224 (1998). See *United States v. Pervis*, 937 F.3d 546, 553-54 (5th Cir. 2019); *United States v. Wallace*, 759 F.3d 486, 497 (5th Cir. 2014). Summary disposition is therefore appropriate. See *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).

Accordingly, Jarquin-Hernandez's motion for summary disposition is GRANTED, and the district court's judgment is AFFIRMED.