

United States Court of Appeals
for the Fifth Circuit

No. 22-50728
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

January 9, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

IGNACIO MARTINEZ-SAUCEDO,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 4:22-CR-127-1

Before SMITH, SOUTHWICK, and DOUGLAS, *Circuit Judges.*

PER CURIAM:*

Ignacio Martinez-Saucedo appeals his conviction and sentence for illegal reentry after removal. Martinez-Saucedo avers that his sentence of 46 months' imprisonment and three years' supervised release exceeds the statutory maximum because the enhanced penalty provisions of 8 U.S.C. § 1326(b) are unconstitutional. He has filed an unopposed motion for sum-

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

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mary disposition and a letter brief conceding, correctly, that this issue 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). Martinez-Saucedo states that he raises the issue only to preserve it for possible further review.

Because summary disposition is appropriate, see *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969), the motion is GRANTED, and the judgment is AFFIRMED.