

United States Court of Appeals for the Fifth Circuit

No. 24-50799
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
September 18, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JOSE MARTIN PARDO-RAMOS,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:23-CR-2417-1

Before KING, HAYNES, and HO, *Circuit Judges.*

PER CURIAM:*

Jose Martin Pardo-Ramos appeals following his conviction for illegal reentry in violation of 8 U.S.C. § 1326(a), arguing that the statutory sentencing enhancement in § 1326(b) is unconstitutional. He concedes that this argument is foreclosed by *Almendarez-Torres v. United States*, 523 U.S.

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

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224 (1998), and the Government has filed a motion for summary affirmance or, alternatively, for an extension of time in which to file a brief.

As Pardo-Ramos concedes, his argument is foreclosed by *Almendarez-Torres*. See *United States v. Pervis*, 937 F.3d 546, 553-54 (5th Cir. 2019); see also *Erlinger v. United States*, 602 U.S. 821, 838 (2024) (explaining that *Almendarez-Torres* “persists as a narrow exception permitting judges to find only the fact of a prior conviction” (internal quotation marks and citation omitted)). Summary affirmance is thus appropriate. See *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).

Accordingly, the Government’s motion for summary affirmance is GRANTED, the alternative motion for an extension of time is DENIED, and the judgment of the district court is AFFIRMED.