

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 15, 2025

Lyle W. Cayce
Clerk

No. 25-10586
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

HUGO IVAN MACIAS-ORDONEZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:25-CR-1-1

Before SMITH, HIGGINSON, and WILSON, *Circuit Judges*.

PER CURIAM:*

Hugo Ivan Macias-Ordonez appeals following his conviction for illegal reentry in violation of 8 U.S.C. § 1326(a), arguing that the enhanced penalty range in § 1326(b) is unconstitutional. As he correctly acknowledges, this issue is foreclosed by *Almendarez-Torres v. United States*, 523 U.S. 224 (1998); *see also Erlinger v. United States*, 602 U.S. 821, 838 (2024) (stating

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

No. 25-10586

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)). The Government has filed an unopposed motion for summary affirmance or, alternatively, for an extension of time to file a brief.

Summary affirmance is appropriate here under *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969) (explaining that in circumstances where one party is clearly right as a matter of law, summary disposition is proper.)

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 district court’s judgment is AFFIRMED.