

United States Court of Appeals for the Fifth Circuit

No. 25-10590
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
November 26, 2025
Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CARLOS MIRANDA-DE LA HOYA,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:24-CR-14-1

Before WIENER, WILLETT, and WILSON, *Circuit Judges*.

PER CURIAM:*

Plaintiff-Appellant Carlos Miranda-De La Hoya appeals following his conviction for illegal reentry in violation of 8 U.S.C. § 1326(a), arguing for the first time on appeal that the statutory sentencing enhancement in § 1326(b) is unconstitutional. He concedes this argument is foreclosed by *Almendarez-Torres v. United States*, 523 U.S. 224 (1998), and the

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

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

The parties are correct that the argument is foreclosed. *See United States v. Pervis*, 937 F.3d 546, 553-54 (5th Cir. 2019). Summary affirmance is therefore appropriate. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). Accordingly, the 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.