

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

March 9, 2026

Lyle W. Cayce
Clerk

No. 25-10674
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

MIGUEL ANGEL LEYVA-ARRANAGA,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:23-CR-394-1

Before HIGGINBOTHAM, HIGGINSON, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

Miguel Angel Leyva-Arranaga appeals following his conviction under 8 U.S.C. § 1326(a), asserting that the sentence enhancement provision of § 1326(b) is unconstitutional. The Government moves for summary affirmance or, alternatively, an extension of time in which to file a brief. Leyva-Arranaga does not oppose the Government's motion and correctly

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

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concedes that his argument is foreclosed by the Supreme Court’s decision in *Almendarez-Torres v. United States*, 523 U.S. 224 (1998). 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)). Thus, summary affirmance is 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 to file a brief is DENIED, and the district court’s judgment is AFFIRMED.