

United States Court of Appeals
for the Fifth Circuit

No. 25-11132
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 12, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ALEXIS CASTANEDA,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:25-CR-90-1

Before CLEMENT, SOUTHWICK, and OLDHAM, *Circuit Judges.*

PER CURIAM:*

Alexis Castaneda appeals his 235-month prison sentence for drug conspiracy in violation of 21 U.S.C. § 846 and § 841(a)(1), (b)(1)(B). He raises two challenges. First, the merits challenge. Castaneda argues that the district court erred by applying the enhancement under U.S.S.G. § 2D1.1(b)(5) because Castaneda did not know that the methamphetamine

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

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he possessed was imported from Mexico. Second, the waiver challenge. He contends that the appellate waiver in his plea agreement is unenforceable because the district judge indicated during sentencing that Castaneda had preserved his objection to the importation enhancement and could appeal that adverse ruling.

Castaneda's merits challenge is foreclosed by our precedent. *See United States v. Foulks*, 747 F.3d 914, 914–15 (5th Cir. 2014) (per curiam); *see also United States v. Serfass*, 684 F.3d 548, 552–53 (5th Cir. 2012). He concedes as much but wishes to preserve it for further review. Because Castaneda's merits challenge is foreclosed, we pretermitt his waiver challenge. *See United States v. Thompson*, 54 F.4th 849, 851 (5th Cir. 2022) (per curiam).

Summary disposition of this appeal is proper because “there can be no substantial question as to the outcome of the case.” *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). The Government's motion for summary affirmance is therefore GRANTED, and its alternative motion for an extension of time to file a merits brief is DENIED as moot. The judgment of the district court is AFFIRMED.