

United States Court of Appeals for the Fifth Circuit

No. 25-11144
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 15, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ARMANDO LEON, JR.,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:16-CR-446-8

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

PER CURIAM:*

Armando Leon, Jr., appeals from the judgment of the district court revoking his term of supervised release and sentencing him to 24 months of imprisonment. Relying on *United States v. Haymond*, 588 U.S. 634 (2019), Leon argues that 18 U.S.C. § 3583(g) is unconstitutional because it requires revocation of supervised release and imposition of a term of imprisonment

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

No. 25-11144

without affording the defendant the constitutionally guaranteed right to a jury trial or requiring proof beyond a reasonable doubt. However, he acknowledges that his challenge is foreclosed by *United States v. Garner*, 969 F.3d 550 (5th Cir. 2020), and asserts the issue to preserve it for further review. The Government has filed an unopposed motion for summary affirmance or, alternatively, for an extension of time to file its brief.

In *Garner*, we rejected the argument that Leon has asserted and held that § 3583(g) is not unconstitutional under *Haymond*. See *Garner*, 969 F.3d at 551-53. Thus, Leon's sole argument on appeal is foreclosed, and summary affirmance is proper. See *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). Accordingly, the Government's motion for summary affirmance is GRANTED, its alternative motion for an extension of time is DENIED, and the district court's judgment is AFFIRMED.