

United States Court of Appeals for the Fifth Circuit

No. 25-20442
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 24, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CARLOS MEMBRENO-LAINEZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:25-CR-241-1

Before BARKSDALE, WILLETT, and DOUGLAS, *Circuit Judges*.

PER CURIAM:*

Carlos Membreno-Lainez challenges his conviction for illegal reentry by a previously deported alien after a felony conviction, in violation of 8 U.S.C. § 1326(a) and (b)(2). He asserts, for the first time on appeal, that his conviction is improper because his prior Texas conviction for aggravated

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

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robbery involving a deadly weapon did not qualify as an aggravated felony conviction under § 1326(b)(2).

Membreno did not preserve this issue in district court (which he also concedes). Therefore, review is only for plain error (as he again concedes). *E.g.*, *United States v. Broussard*, 669 F.3d 537, 546 (5th Cir. 2012). Under that standard, Membreno must show a forfeited plain error (clear-or-obvious error, rather than one subject to reasonable dispute) that affected his substantial rights. *Puckett v. United States*, 556 U.S. 129, 135 (2009). If he makes that showing, we have the discretion to correct the reversible plain error, but generally should do so only if it “seriously affect[s] the fairness, integrity or public reputation of judicial proceedings”. *Id.* (citation omitted).

Membreno fails to cite any binding authority in support of his § 1326(b)(2) contention. “In the plain error context, a lack of binding authority is often dispositive.” *United States v. Jones*, 88 F.4th 571, 573 (5th Cir. 2023) (citation omitted); *see id.* at 574 (requiring defendant “at least show error in . . . straightforward applications of existing cases” (citation omitted)). Accordingly, he fails to show the requisite clear-or-obvious error. *See Puckett*, 556 U.S. at 135.

AFFIRMED.