

# United States Court of Appeals for the Fifth Circuit

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No. 25-40084  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

February 4, 2026

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

JOSE MIGUEL MONTEMAYOR; MARIN MACRIN CERDA,

*Defendants—Appellants.*

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC Nos. 7:17-CR-588-6,  
7:17-CR-588-7

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Before KING, HAYNES, and HO, *Circuit Judges.*

PER CURIAM:\*

Jose Miguel Montemayor and Marin Macrin Cerda appeal the sentence imposed at resentencing following their numerous drug, firearm, carjacking, and robbery convictions. Montemayor and Cerda now contend for the first time that the district court imposed procedurally unreasonable sentences on certain offenses when the court ran these sentences

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

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consecutively instead of concurrently as required by U.S.S.G. § 5G1.2(c) and when the court failed to adequately explain its decision to impose a sentence above the applicable guidelines range. However, because Montemayor and Cerda did not raise these issues in their initial appeal, even though they had as much reason to raise them then as they do now, they have waived these issues. *See United States v. Griffith*, 522 F.3d 607, 610 (5th Cir. 2008).

AFFIRMED.