

United States Court of Appeals for the Fifth Circuit

No. 25-50114
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 23, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

LUIS DOMINGUEZ-MURILLO,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:24-CR-206-1

Before RICHMAN, SOUTHWICK, and WILLETT, *Circuit Judges*.

PER CURIAM:*

Luis Dominguez Murillo appeals following his conviction for illegal reentry in violation of 8 U.S.C. § 1326(a), arguing that the statutory sentencing enhancement in § 1326(b) is unconstitutional.

As Dominguez-Murillo concedes, his argument is foreclosed by *Almendarez-Torres v. United States*, 523 U.S. 224 (1998). *See United States v.*

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

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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)).

The Government has filed a motion for summary affirmance or, alternatively, for an extension of time in which to file a brief. Summary affirmance is thus 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 is DENIED, and the judgment of the district court is AFFIRMED.