

United States Court of Appeals for the Fifth Circuit

No. 25-50135
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 16, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ANTONIO VALLE-RAMIREZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:24-CR-501-1

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

PER CURIAM:*

Antonio Valle-Ramirez appeals following his conviction for illegal reentry in violation of 8 U.S.C. § 1326, arguing that the statutory sentencing enhancement in § 1326(b) is unconstitutional. He concedes that this argument is foreclosed by *Almendarez-Torres v. United States*, 523 U.S. 224 (1998), and the Government has filed a motion for summary affirmance or,

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

No. 25-50135

alternatively, for an extension of time in which to file a brief. Valle-Ramirez takes no position on the motion.

As Valle-Ramirez concedes, his argument is foreclosed by *Almendarez-Torres*. See *United States v. 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)). 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.