

United States Court of Appeals for the Fifth Circuit

No. 25-50373
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

November 25, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CRUZ ABERTANO VENCES-VASQUEZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:24-CR-424-1

Before SMITH, DENNIS, and HAYNES, *Circuit Judges.*

PER CURIAM:*

Cruz Abertano Vences-Vasquez appeals following his conviction for illegal entry in violation of 8 U.S.C. § 1326(a), 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.

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

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224 (1998), and the Government has filed a motion for summary affirmance or, alternatively, for an extension of time in which to file a brief.

As Vences-Vasquez concedes, his argument is foreclosed by *Almendarez-Torres*. 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 as moot, and the judgment of the district court is AFFIRMED.