

United States Court of Appeals for the Fifth Circuit

No. 25-50691
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 9, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

RAMIRO QUEVEDO-ESCOBAR,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:24-CR-176-1

Before KING, HIGGINSON, and DOUGLAS, *Circuit Judges*.

PER CURIAM:*

Ramiro Quevedo-Escobar appeals the 36-month sentence imposed following his conviction for illegal reentry pursuant to 8 U.S.C. § 1326. He argues for the first time that the enhancement in § 1326(b) is unconstitutional. The Government moves for summary affirmance or, alternatively, an extension of time in which to file a brief. Quevedo-Escobar

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

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takes no position on the motion but concedes that his argument is foreclosed by *Almendarez-Torres v. United States*, 523 U.S. 224 (1998).

Because Quevedo-Escobar correctly concedes that his argument is foreclosed, *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 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 to file a brief is DENIED, and the district court’s judgment is AFFIRMED.