

United States Court of Appeals for the Fifth Circuit

No. 25-50805
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
September 9, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JOSE MARTIN MALDONADO-FLORES,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:25-CR-172-1

Before HIGGINBOTHAM, SMITH, and HO, *Circuit Judges*.

PER CURIAM:*

Jose Martin Maldonado-Flores pleaded guilty to illegal reentry, in violation of 8 U.S.C. § 1326, and was sentenced above the guidelines range to 200 months of imprisonment. On appeal, he argues, for the first time, that the district court erred in imposing judgment under the enhanced penalty provision of § 1326(b)(2) because his prior Texas conviction for robbery no longer qualifies as an aggravated felony. Maldonado-Flores has not cited any

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

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binding authority specifically supporting his argument on appeal. He therefore fails to demonstrate any clear or obvious error, defeating his claim on plain error review. *See Puckett v. United States*, 556 U.S. 129, 135 (2009); *United States v. Jones*, 88 F.4th 571, 573 (5th Cir. 2023).

Maldonado-Flores has likewise failed to demonstrate that the district court plainly erred by failing to adequately explain its chosen sentence, *see Rita v. United States*, 551 U.S. 338, 356 (2007); *United States v. Mondragon-Santiago*, 564 F.3d 357, 365 (5th Cir. 2009), and by relying on facts underlying his arrest on state charges which were ultimately dismissed, *see United States v. Fuentes*, 775 F.3d 213, 219-20 (5th Cir. 2014); *United States v. Longoria*, 958 F.3d 372, 375 (5th Cir. 2020).

Finally, Maldonado-Flores challenges the substantive reasonableness of his sentence. Having considered the totality of the circumstances, we conclude that the district court did not abuse its discretion because it relied on appropriate 18 U.S.C. § 3553(a) factors to support the upward variance. *See Holguin-Hernandez v. United States*, 589 U.S. 169, 174-75 (2020); *United States v. Fraga*, 704 F.3d 432, 439-41 (5th Cir. 2013). As to the extent of the variance, although the 200-month sentence is 95 months greater than the top of his advisory guidelines range, we have upheld similarly significant variances. *See, e.g., United States v. Diehl*, 775 F.3d 714, 726 (5th Cir. 2015); *United States v. Key*, 599 F.3d 469, 471-72, 475-76 (5th Cir. 2010).

In light of the foregoing, the district court's judgment is AFFIRMED.