

United States Court of Appeals  
for the Fifth Circuit

---

No. 25-50918  
Summary Calendar

---

United States Court of Appeals  
Fifth Circuit

**FILED**

June 29, 2026

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

HAMILTON DOUGLAS LANZA-RIOS,

*Defendant—Appellant.*

---

Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 2:24-CR-1455-1

---

Before HIGGINBOTHAM, ENGELHARDT, and RAMIREZ, *Circuit Judges.*

PER CURIAM:\*

Hamilton Douglas Lanza-Rios appeals following his conviction and sentence for illegal reentry under 8 U.S.C. § 1326(a) and (b), arguing for the first time on appeal that the sentencing enhancement in § 1326(b) is unconstitutional. The Government has moved for summary affirmance or, alternatively, for an extension of time in which to file a brief. Although Lanza-

---

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

No. 25-50918

Rios takes no position on the motion for summary affirmance, he acknowledges his argument is foreclosed by *Almendarez-Torres v. United States*, 523 U.S. 224 (1998), and seeks to preserve the issue for possible Supreme Court review.

The parties are correct that Lanza-Rios's sole 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 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.