

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

January 9, 2019

Lyle W. Cayce
Clerk

No. 18-10574
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

LUIS ALBERTO ARMENDARIZ-CHAVEZ,

Defendant - Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:17-CR-76-1

Before DAVIS, HAYNES, and HO, Circuit Judges.

PER CURIAM:*

Luis Alberto Armendariz-Chavez appeals his conviction of illegal reentry after having been previously deported. He argues that the district court erred by admitting the Return of the Warrant of Deportation into evidence at his trial in violation of the Confrontation Clause. He concedes that his argument is foreclosed by *United States v. Garcia*, 887 F.3d 205, 212-14 (5th Cir.), *cert.*

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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denied, 139 S. Ct. 228 (2018), but raises the issue to preserve it for possible further review.

In *Garcia*, this court held that deportation warrants are nontestimonial and may be admitted in criminal prosecutions absent confrontation. 887 F.3d at 212-14. Thus, Armendariz-Chavez's argument is foreclosed, and summary affirmance is appropriate. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).

Accordingly, the Government's unopposed 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.