

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

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No. 15-31036  
Conference Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

August 16, 2016

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

DARREN D. BROWN, also known as Darren Dewayne Brown,

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 1:09-CR-151-1

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Before REAVLEY, ELROD, and GRAVES, Circuit Judges.

PER CURIAM:\*

Appealing the judgment in a criminal case, Darren D. Brown raises an argument that is foreclosed by *Almendarez-Torres v. United States*, 523 U.S. 224, 228, 235 (1998), which held that convictions used to enhance a sentence under 8 U.S.C. § 1326(b)(2) need not be set forth in the indictment.

Brown's pro se letter, raising ineffective assistance of trial counsel at sentencing and stating that he wishes to appeal the forfeiture of his property,

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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is not considered because Brown has no right to hybrid representation. *See United States v. Ogbonna*, 184 F.3d 447, 449 & n.1 (5th Cir. 1999).

Accordingly, the motion for summary affirmance is GRANTED, the alternative motion for an extension of time to file a brief is DENIED, and the judgment of the district court is AFFIRMED.