

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

United States Court of Appeals
Fifth Circuit

FILED

June 21, 2018

Lyle W. Cayce
Clerk

No. 17-11262
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff–Appellee,

versus

CRISTIAN GAMEZ MENDEZ, Also Known as Cristian Gomez,
Also Known as Mendez Gamez, Also Known as Christian Gamez Mendez,

Defendant–Appellant.

Appeal from the United States District Court
for the Northern District of Texas
No. 3:17-CR-14-1

Before HIGGINBOTHAM, JONES, and SMITH, Circuit Judges.

PER CURIAM:*

Raising two issues, Cristian Gamez Mendez moves, unopposed, for

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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summary disposition in this appeal of his conviction and sentence for illegal reentry after removal from the United States in violation of 8 U.S.C. § 1326(a) and (b)(2). He first maintains that the district court erred by sentencing him to a term of supervised release exceeding one year because the enhancement provisions in § 1326(b) are unconstitutional. Next, he urges that his guilty plea was involuntary and accepted in violation of Federal Rule of Criminal Procedure 11 because he was not admonished that the prior-felony provisions of § 1326(b) stated an essential offense element that the government was required to prove to a jury beyond a reasonable doubt.

Gamez Mendez correctly concedes that his issues are foreclosed by *Almendarez-Torres v. United States*, 523 U.S. 224 (1998). Because summary disposition is appropriate, *see Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969), the motion is GRANTED, and the judgment is AFFIRMED.