

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

No. 17-50750
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 27, 2018

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

PEDRO ANTONIO CHAVEZ-OCHOA, also known as Christian Chavez-Hernandez,

Defendant-Appellant

Cons. w/No. 17-50759

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

PEDRO ANTONIO CHAVEZ-OCHOA, also known as Nelson Robles-Chavez, also know as Adan Mauricio Chavez-Molina, also known as Christian Chavez-Hernandez,

Defendant-Appellant

Appeals from the United States District Court
for the Western District of Texas
USDC No. 1:10-CR-653-1
USDC No. 1:17-CR-70-1

No. 17-50750
c/w No. 17-50759

Before KING, SMITH, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Pedro Antonio Chavez-Ochoa was convicted of one count of illegal reentry into the United States and sentenced to serve 37 months in prison and a three-year term of supervised release. Additionally, his supervised release for a prior conviction was revoked, and he was sentenced to serve 24 months in prison, to run consecutively to the 37-month sentence.

Now, he appeals these sentences. His challenge to the reimposition of the mandatory special assessment in connection with the revocation has been mooted by the district court's order striking the challenged portion of the revocation order. Insofar as he challenges the reimposition of the special assessment, his appeal is DISMISSED AS MOOT.

His argument that the enhancement of his statutory minimum sentences based upon his prior convictions that were not charged in the indictment and proved or admitted violated his constitutional rights is, as he concedes, foreclosed by *Almendarez-Torres v. United States*, 523 U.S. 224 (1998). His sentences are AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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