

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

No. 18-10662
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 4, 2019

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

CODY SHANE SORRELS,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:17-CR-233-1

Before JOLLY, COSTA, and HO, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Cody Shane Sorrels raises a constitutional challenge to judicial factfinding at sentencing that is foreclosed by our decisions in *United States v. Tuma*, 738 F.3d 681 (5th Cir. 2013), and *United States v. Bazemore*, 839 F.3d 379 (5th Cir. 2016), as he concedes. Accordingly, the Government's motion for summary affirmance is GRANTED, and the judgment of the district court is AFFIRMED. The Government's

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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alternative motion for an extension of time to file an appellee's brief is DENIED
as moot.