

# United States Court of Appeals for the Fifth Circuit

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No. 22-50631  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

January 31, 2023

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

JOSE ANGEL MORQUECHO-SANCHEZ,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 4:22-CR-79-1

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Before SMITH, SOUTHWICK, and DOUGLAS, *Circuit Judges.*

PER CURIAM:\*

Jose Morquecho-Sanchez appeals his conviction and sentence for illegal reentry after removal. He maintains that his sentence exceeds the statutory maximum because the enhanced penalty provisions of 8 U.S.C. § 1326(b) are unconstitutional. He has filed an unopposed motion for summary disposition and a letter brief conceding correctly that this issue is fore-

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\* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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closed by *Almendarez-Torres v. United States*, 523 U.S. 224 (1998). See *United States v. Pervis*, 937 F.3d 546, 553–54 (5th Cir. 2019). Morquecho-Sanchez states that he has raised the issue only to preserve it for possible further review.

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.