

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

June 14, 2023

Lyle W. Cayce
Clerk

No. 22-20625
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JUAN ANTONIO HERNANDEZ-LOPEZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:21-CR-440-1

Before WIENER, ELROD, and ENGELHARDT, *Circuit Judges*.

PER CURIAM:*

Juan Antonio Hernandez-Lopez appeals his conviction for illegal reentry into the United States after having been removed, in violation of 8 U.S.C. § 1326. He contends that § 1326 violates the Fifth Amendment's equal protection principles. Hernandez-Lopez concedes that this argument is foreclosed by our recent decision in *United States v. Barcenas-Rumualdo*, 53

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

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F.4th 859, 862 (5th Cir. 2022), and merely raises this issue to preserve it for further review. The government has moved without opposition for summary affirmance, or, alternatively, for an extension of time to file a brief.

Because summary affirmance is appropriate, *see Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969), the government's motion for summary affirmance is GRANTED, the government's alternative motion for an extension of time to file a brief is DENIED, and the district court's judgment is AFFIRMED.