

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-4317

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSE ALEXIS MOLINA, a/k/a Jose Molina, a/k/a Jose Alexis Molina-Lopez, a/k/a
Jose Molina Lopez,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at
Alexandria. Rossie David Alston, Jr., District Judge. (1:22-cr-00209-RDA-1)

Submitted: October 22, 2024

Decided: October 24, 2024

Before KING and WYNN, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

ON BRIEF: Jeremy C. Kamens, Federal Public Defender, Patrick L. Bryant, Assistant
Federal Public Defender, Brooke S. Rupert, Assistant Federal Public Defender, OFFICE
OF THE FEDERAL PUBLIC DEFENDER, Alexandria, Virginia, for Appellant. Joseph
Attias, Assistant United States Attorney, Zachary H. Ray, OFFICE OF THE UNITED
STATES ATTORNEY, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jose Alexis Molina appeals his jury conviction for illegal reentry after removal subsequent to an aggravated felony conviction, in violation of 8 U.S.C. § 1326(a), (b)(2). He argues that 8 U.S.C. § 1326 is unconstitutional because it violates the equal protection guarantee of the Fifth Amendment. Specifically, Molina maintains that § 1326 was enacted with a racially discriminatory purpose and that the law has had a discriminatory effect. The Government moves for summary affirmance in light of our recent decision in *United States v. Sanchez-Garcia*, 98 F.4th 90 (4th Cir. 2024), in which we sustained the constitutionality of § 1326 against the same argument raised by Molina.

The Government contends that Molina’s sole argument on appeal is foreclosed by *Sanchez-Garcia* and, thus, is “manifestly unsubstantial.” See 4th Cir. R. 27(f)(1). Molina concedes that *Sanchez-Garcia* forecloses his constitutional challenge but maintains that *Sanchez-Garcia* was wrongly decided and that he seeks to preserve his claim for future litigation. Because the only issue raised in Molina’s appeal is foreclosed by our decision in *Sanchez-Garcia*, we grant the Government’s motion for summary affirmance, and we affirm the district court’s judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED