

United States Court of Appeals for the Fifth Circuit

No. 25-50463
CONSOLIDATED WITH
No. 25-50464
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

December 12, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

HENRY RAUL SORIANO-TRIMINIO,

Defendant—Appellant.

Appeals from the United States District Court
for the Western District of Texas
USDC Nos. 4:25-CR-19-1, 4:25-CR-6-1

Before HIGGINBOTHAM, ENGELHARDT, and RAMIREZ, *Circuit Judges.*

PER CURIAM:*

Henry Raul Soriano-Triminio appeals following his conviction for illegal reentry, *see* 8 U.S.C. § 1326(a), as well as the revocation of his supervised release in a previous case. Regarding his conviction, Soriano-

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

25-50463
c/w No. 25-50464

Triminio argues for the first time on appeal that the statutory sentencing enhancement in § 1326(b) is unconstitutional because it is based on facts not alleged in the indictment and neither admitted nor proved beyond a reasonable doubt. He does not raise any issue related to the revocation. Soriano-Triminio concedes that his only argument is foreclosed by *Almendarez-Torres v. United States*, 523 U.S. 224 (1998). The Government moves for summary affirmance or, alternatively, for an extension of time in which to file a merits brief. Soriano-Triminio takes no position on the motion for summary affirmance.

The parties are correct that the sole argument Soriano-Triminio raises on appeal is foreclosed. *See United States v. Pervis*, 937 F.3d 546, 553-54 (5th Cir. 2019); *see also Erlinger v. United States*, 602 U.S. 821, 838 (2024) (explaining that *Almendarez-Torres* “persists as a narrow exception permitting judges to find only the fact of a prior conviction” (internal quotation marks and citation omitted)). Summary affirmance is therefore appropriate. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). Accordingly, the Government’s motion for summary affirmance is GRANTED, the Government’s alternative motion for an extension of time is DENIED, and the judgment of conviction and the order of revocation are AFFIRMED.