

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

United States Court of Appeals
Fifth Circuit

FILED

August 16, 2011

Lyle W. Cayce
Clerk

No. 11-40067
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

FELIX GARCIA-TOBIAS, also known as Alejandro Garcia-Torres,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:10-CR-1409-1

Before HIGGINBOTHAM, CLEMENT, and ELROD, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Felix Garcia-Tobias presents arguments that he concedes are foreclosed by *United States v. Ayala*, 542 F.3d 494, 494-95 (5th Cir. 2008), and *United States v. Zavala-Sustaita*, 214 F.3d 601, 604, 607 (5th Cir. 2000), which held that a violation of Texas's indecency with a child by exposure statute constitutes "sexual abuse of a minor" and a crime of violence for purposes of an enhancement under U.S. Sentencing Guidelines Manual § 2L1.2. The appellant's motion for summary disposition is GRANTED, and the judgment of the district court is AFFIRMED.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.