

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

United States Court of Appeals
Fifth Circuit

FILED

April 17, 2012

Lyle W. Cayce
Clerk

No. 11-41171
Conference Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

ALEJANDRO MARTINEZ-TAVERA, also known as Alejandro Tavera-Martinez,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:11-CR-232-1

Before JONES, Chief Judge, and JOLLY and SMITH, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Alejandro Martinez-Tavera raises an issue that he concedes is foreclosed by *United States v. Ayala*, 542 F.3d 494, 494-95 (5th Cir. 2008), which held that the Texas offense of indecency with a child under seventeen years of age is sexual abuse of a minor for purposes of the U.S.S.G. § 2L1.2 crime of violence enhancement. 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.