

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

United States Court of Appeals  
Fifth Circuit

**FILED**

April 22, 2013

Lyle W. Cayce  
Clerk

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No. 12-40826  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSE MARIA ECHAVARRIA-ESPINOZA,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 7:11-CR-1603-1

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Before KING, CLEMENT, and HIGGINSON, Circuit Judges.

PER CURIAM:\*

Appealing the judgment in a criminal case, Jose Maria Echavarría-Espinoza raises an argument that he concedes is foreclosed by *United States v. Morales-Mota*, 704 F.3d 410 (5th Cir. 2013), which held that, despite the relevant definition of “owner” in Texas law, the Texas crime of burglary of a habitation is a “crime of violence” under the Federal Sentencing Guidelines. The appellant’s motion for summary disposition is GRANTED, and the judgment of the district court is AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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