

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

United States Court of Appeals  
Fifth Circuit

**FILED**

August 20, 2013

Lyle W. Cayce  
Clerk

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No. 12-41436  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSE ADAN OLVERA-ROJAS,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 7:12-CR-1270-1

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Before HIGGINBOTHAM, SMITH, and GRAVES, Circuit Judges.

PER CURIAM:\*

Appealing the judgment in a criminal case, Jose Adan Olvera-Rojas raises an argument that he concedes is foreclosed by *United States v. Rodriguez*, 711 F.3d 541, 562 n.28 (5th Cir. 2013) (en banc), *petition for cert. filed* (June 6, 2013) (No. 12-10695), in which this court concluded that the generic, contemporary definition of “sexual abuse of a minor” does not include the age-differential requirement that Olvera-Rojas asserts is required. The appellant’s motion for

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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summary disposition is GRANTED, and the judgment of the district court is AFFIRMED.