

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

United States Court of Appeals  
Fifth Circuit

**FILED**

October 25, 2013

Lyle W. Cayce  
Clerk

\_\_\_\_\_  
No. 13-40121

Conference Calendar  
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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MARGARITO BARRIENTOS SORRIANO,

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 5:12-CR-668-1  
\_\_\_\_\_

Before JOLLY, JONES, and HIGGINSON, Circuit Judges.

PER CURIAM:\*

Appealing the judgment in a criminal case, Margarito Barrientos Sorriano 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 require that the age of consent be lower than 17 years old and does not include an age-differential

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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requirement. The appellant's motion for summary disposition is GRANTED, and the judgment of the district court is AFFIRMED.