

**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. 13-40228

Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSE ANGEL FLORES-DIAZ, also known as Jose Angel Diaz-Flores,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:12-CR-919-1

Before JOLLY, JONES, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Jose Angel Flores-Diaz 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 requirement. 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.