

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

No. 13-50658
Conference Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 17, 2014

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOHN ROMAN LAVOTA, JR., also known as John Lavota, also known as
Chip, also known as username: Chipr1,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:11-CR-84-1

Before KING, HAYNES, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, John Roman Lavota, Jr., raises an argument that he concedes is foreclosed by *United States v. Richardson*, 713 F.3d 232, 236 (5th Cir.), *cert. denied*, 134 S. Ct. 230 (2013), which held that a defendant's actions in downloading child pornography images from a peer-to-peer network and in storing them in a folder that could

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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be accessed by other network users was sufficient to establish distribution. Accordingly, the Government's motion for summary affirmance is GRANTED, its alternative motion for an extension of time to file a brief is DENIED, and the judgment of the district court is AFFIRMED.