

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

United States Court of Appeals
Fifth Circuit

FILED

August 18, 2015

Lyle W. Cayce
Clerk

No. 14-20649
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MILTON ENRIQUE ULIN SUBIETA, also known as Milton Ulin, also known as Jose Milton, also known as Jose Ulin-Zubieta,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:14-CR-116-1

Before JOLLY, GRAVES, and COSTA, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Milton Enrique Ulin Subieta raises an argument that is foreclosed by *United States v. Rodriguez*, 711 F.3d 541, 562-63 & n.28 (5th Cir. 2013) (en banc), in which we held that the generic, contemporary definition of “sexual abuse of a minor” does not require the age of consent to be below 17 years old and does not include the asserted age-

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 14-20649

differential requirement. He also raises an argument that is foreclosed by *United States v. Elizondo-Hernandez*, 755 F.3d 779, 781-82 (5th Cir. 2014), *cert. denied*, 135 S. Ct. 1011 (2015), which held that the Texas offense of indecency with a child by contact satisfied the generic definition of “sexual abuse of a minor.” The motion for summary disposition is GRANTED, and the judgment of the district court is AFFIRMED.