

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

No. 14-41143
Conference Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 16, 2015

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JESUS RODRIGUEZ-PENA,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:14-CR-195-1

Before DAVIS, JONES, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Jesus Rodriguez-Pena raises arguments that he concedes are 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-differential requirement. He also raises an argument that he concedes is

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 14-41143

foreclosed by *United States v. Elizondo-Hernandez*, 755 F.3d 779, 782 (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.” Accordingly, the unopposed motion for summary disposition is GRANTED, and the judgment of the district court is AFFIRMED.