

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

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No. 14-41428  
Conference Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

October 22, 2015

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MARCO ANTONIO AYALA-GARCIA,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 7:14-CR-1273-1

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Before HIGGINBOTHAM, DENNIS, and HIGGINSON, Circuit Judges.

PER CURIAM:\*

Appealing the judgment in a criminal case, Marco Antonio Ayala-Garcia raises an argument that he concedes is foreclosed by *United States v. Morales-Mota*, 704 F.3d 410, 412 (5th Cir. 2013). In *Morales-Mota*, 704 F.3d at 412, we rejected the argument that the Texas offense of “burglary of a habitation” is broader than the generic, contemporary definition of “burglary of a dwelling” under U.S.S.G. § 2L1.2(b)(1)(A)(ii) because it defines the “owner” of a

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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habitation as a person with a “greater right to possession of the property than the actor.” Accordingly, the unopposed motion for summary disposition is GRANTED, and the judgment of the district court is AFFIRMED.