

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

No. 15-20487
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
December 19, 2016

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ARTURO MONTES BENAVIDES,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:15-CR-173-1

Before KING, DENNIS, and COSTA, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Arturo Montes Benavides raises arguments that are foreclosed by *United States v. Gonzalez-Longoria*, 831 F.3d 670 (5th Cir. 2016) (en banc), *petition for cert. filed* (Sept. 30, 2016) (No. 16-6259). In *Gonzalez-Longoria*, 831 F.3d at 672, 677-78, we held that 18 U.S.C. § 16(b) is not unconstitutionally vague on its face in light of *Johnson v. United States*, 135 S. Ct. 2551 (2015), and can be applied without

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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violating due process. Accordingly, the motion for summary affirmance is GRANTED, the alternative motion for an extension of time to file a brief is DENIED, and the judgment of the district court is AFFIRMED.