

**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

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No. 15-40103  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RODRIGO JIMENEZ-BINAGRA,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 5:14-CR-294-1

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Before JOLLY, GRAVES, and COSTA, Circuit Judges.

PER CURIAM:\*

Appealing the judgment in a criminal case, Rodrigo Jimenez-Binagra 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-differential requirement. He also raises an argument that is foreclosed by

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 15-40103

*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” and which rejected the argument that the offense was not an aggravated felony. The motion for summary disposition is GRANTED, and the judgment of the district court is AFFIRMED.