

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

No. 17-20268
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
September 12, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MARTIN BOLANOS-GALVAN, also known as Martine Alvarado, also known as Martin Galvan Bolanos, also known as Martin Bolanos Galvan,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:16-CR-403-1

Before HIGGINBOTHAM, JONES, and SMITH, Circuit Judges.

PER CURIAM:*

Martin Bolanos-Galvan pleaded guilty to illegal reentry following deportation and was sentenced to a 36-month term of imprisonment. On appeal, he renews his challenge to the district court's application of the eight-level aggravated felony enhancement of U.S.S.G. § 2L1.2(b)(1)(C). The gravamen of his argument is that, in light of *Johnson v. United States*, 135

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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S. Ct. 2551 (2015), the definition of a crime of violence in 18 U.S.C. § 16(b) is unconstitutionally vague on its face. Therefore, he contends, his prior Texas felony conviction of assault on a police officer does not qualify as a crime of violence under § 16(b) and thus is not an aggravated felony for purposes of 8 U.S.C. § 1101(a)(43)(F) and § 2L1.2(b)(1)(C).

As Bolanos-Galvan concedes, his argument is foreclosed by *United States v. Gonzalez-Longoria*, 831 F.3d 670, 672-77 (5th Cir. 2016) (en banc), *petition for cert. filed* (Sept. 29, 2016) (No. 16-6259), in which we rejected a constitutional challenge to § 16(b) as facially vague. Accordingly, Bolanos-Galvan's unopposed motion for summary disposition is GRANTED, and the district court's judgment is AFFIRMED.