

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

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No. 15-40907  
Conference Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

February 17, 2016

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

CESAR LEONEL MIRELES-VARGAS,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 1:15-CR-5-1

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Before DAVIS, SMITH, and PRADO, Circuit Judges.

PER CURIAM:\*

Appealing the judgment in a criminal case, Cesar Leonel Mireles-Vargas raises an argument that 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 Texas law 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 motion for summary disposition is GRANTED, and the judgment of the district court is AFFIRMED.