

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

United States Court of Appeals
Fifth Circuit

FILED

October 20, 2009

No. 09-20350
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

GUILLERMO TORRES-MENCHACA, also known as Guillermo Torres, also known as Guillermo Menchaca Torres, also known as Guillermo Mechaca Torres,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:08-CR-478-1

Before WIENER, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Guillermo Torres-Menchaca raises arguments that are foreclosed by *United States v. Ayala*, 542 F.3d 494, 495 (5th Cir. 2008), *cert. denied*, 129 S. Ct. 1388 (2009), which held that a violation of TEXAS PENAL CODE § 21.11(a) constitutes the offense of sexual abuse of a minor, justifying a U.S.S.G. § 2L1.2(b)(1)(A)(ii) offense level increase. The

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Government's motion for summary affirmance is GRANTED, and the judgment of the district court is AFFIRMED.