

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

United States Court of Appeals  
Fifth Circuit

**FILED**

July 12, 2013

Lyle W. Cayce  
Clerk

\_\_\_\_\_  
No. 12-20330

Summary Calendar  
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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ROGELIO JAIMES JAIMES VILLANUEVA, also known as Rogelio Villanueva  
Jaimes, also known as Rogelio Jaimes Villanueva, also known as Rogelio Jaimes  
Vaillanueva,

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:11-CR-703-1  
\_\_\_\_\_

Before WIENER, ELROD, and GRAVES, Circuit Judges.

PER CURIAM:\*

Rogelio Jaimes Jaimes Villanueva challenges the sentence imposed following his conviction for illegal reentry of a previously deported alien in violation of 8 U.S.C. § 1326(a) and (b)(2). On appeal, he argues that the district court erred in treating his prior conviction for sexual assault of a child under Texas Penal Code § 22.011(a)(2) as a crime of violence under U.S.S.G.

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 12-20330

§ 2L1.2(b)(1)(A)(ii), and as an aggravated felony under § 1326(b)(2), as defined by 8 U.S.C. § 1101(a)(43)(A). Villanueva's arguments are foreclosed. *See United States v. Rodriguez*, 711 F.3d 541, 562-63 & n.28 (5th Cir. 2013) (en banc), *petition for cert. filed* (June 6, 2013) (No. 12-10695). Accordingly, the judgment of the district court is AFFIRMED.