

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

United States Court of Appeals
Fifth Circuit

FILED

May 22, 2013

Lyle W. Cayce
Clerk

No. 12-41164

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

FLORENCIO ALEJANDRO ALCARAZ,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 1:12-CR-306-1

Before KING, CLEMENT, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Florencio Alejandro Alcaraz raises an argument that he concedes is foreclosed by *United States v. Morales-Mota*, 704 F.3d 410 (5th Cir. 2013), *petition for cert. filed* (U.S. Apr. 8, 2013) (No. 12-9676), which held that, despite the relevant definition of “owner” in Texas law, the Texas crime of burglary of a habitation is a “crime of violence” under the Federal Sentencing Guidelines. The appellant’s motion for summary disposition is GRANTED, and the judgment of the district court is AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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