

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

October 25, 2013

\_\_\_\_\_  
No. 13-40228  
Conference Calendar  
\_\_\_\_\_

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSE ANGEL FLORES-DIAZ, also known as Jose Angel Diaz-Flores,

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 2:12-CR-919-1  
\_\_\_\_\_

Before JOLLY, JONES, and HIGGINSON, Circuit Judges.

PER CURIAM:\*

Appealing the judgment in a criminal case, Jose Angel Flores-Diaz raises an argument that he concedes is foreclosed by *United States v. Rodriguez*, 711 F.3d 541, 562 & n.28 (5th Cir. 2013) (en banc), *petition for cert. filed* (June 6, 2013) (No. 12-10695), in which this court concluded that the generic, contemporary definition of “sexual abuse of a minor” does not require that the age of consent be lower than 17 years old and does not include an age-differential requirement. The appellant’s motion for summary disposition is GRANTED, and the judgment of the district court is AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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