

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

United States Court of Appeals  
Fifth Circuit

**FILED**

February 24, 2015

Lyle W. Cayce  
Clerk

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No. 14-20234  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

LEONEL GARCIA-GARCIA, JR., also known as Leonel Garcia, also known as Jose Garza, also known as Hilderberto Zaldivar, also known as Leonel Garcia Garcia, also known as Leonel J. Garcia, also known as J. Garcia Leonel-Garcia, also known as Leonel G. Garcia, Jr.,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:13-CR-638-1

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Before DAVIS, ELROD, and COSTA, Circuit Judges.

PER CURIAM:\*

Appealing the judgment in a criminal case, Leonel Garcia-Garcia, Jr., raises arguments that are foreclosed by *United States v. Rodriguez-Salazar*, 768 F.3d 437, 437-38 (5th Cir. 2014). In *Rodriguez-Salazar*, we rejected the argument that the Texas offense of theft is broader than the generic,

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 14-20234

contemporary definition of theft for purposes of U.S.S.G. § 2L1.2(b)(1)(C) and 8 U.S.C. § 1101(a)(43)(G) because the Texas offense, which includes theft by deception, can be committed by taking property with the owner's consent. *Id.* Accordingly, the unopposed motion for summary affirmance is GRANTED, the alternative motion for an extension of time to file a brief is DENIED, and the judgment of the district court is AFFIRMED.