

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

\_\_\_\_\_  
No. 16-40944  
Conference Calendar  
\_\_\_\_\_

United States Court of Appeals  
Fifth Circuit

**FILED**

February 21, 2017

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MANUEL RIOS-OJEDA, also known as Jose Ortiz-Villarreal, also known as Victor Flores-Huerta, also known as Ulises Garrido-Zambudio,

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 1:16-CR-74-1  
\_\_\_\_\_

Before JOLLY, PRADO, and SOUTHWICK, Circuit Judges.

PER CURIAM:\*

Appealing the judgment in a criminal case, Manuel Rios-Ojeda raises an argument that is foreclosed by *United States v. Rodriguez-Salazar*, 768 F.3d 437 (5th Cir. 2014). In *Rodriguez-Salazar*, 768 F.3d at 437-38, we rejected the argument that the Texas offense of theft is broader than the generic, contemporary definition of theft because the Texas offense, which includes

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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theft by deception, may be committed by taking property with the owner's consent. Accordingly, the motion for summary disposition is GRANTED, and the judgment of the district court is AFFIRMED.