

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

No. 16-41217
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 27, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MELVIN DEMETRIO CANO-ROMERO, also known as Julio Alexander Meza-Meza,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:16-CR-602-1

Before JOLLY, SMITH, and GRAVES, Circuit Judges.

PER CURIAM:*

Melvin Demetrio Cano-Romero pleaded guilty to illegal reentry and was sentenced to a 60-month term of imprisonment. On appeal, Cano-Romero challenges the 16-level enhancement he received under U.S.S.G. § 2L1.2(b)(1)(A)(ii). Specifically, he asserts for the first time on appeal that his 2009 Minnesota conviction for criminal sexual assault in the third degree does

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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not qualify as a crime of violence because the statute of conviction does not require an age differential of at least four years between the defendant and the victim.

As Cano-Romero concedes, his argument is foreclosed by our opinion in *United States v. Cabecera Rodriguez*, 711 F.3d 541, 562 n.28 (5th Cir. 2013) (en banc), in which we explicitly held that the generic, contemporary definition of “sexual abuse of a minor” does not include such an age-differential requirement. Accordingly, Cano-Romero’s motion for summary disposition is GRANTED, and the judgment of the district court is AFFIRMED.