

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

No. 17-20561
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

September 6, 2019

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

OSCAR SEGURA-ROMERO, also known as Oscar Romero Segura, also known as Oscar Segura, also known as Oscar R. Segura Romero, also known as Oscar R. Segura, also known as Romero Segura, also known as Oscar Romero, also known as Oscar Segura Romero,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:17-CR-112-1

Before HIGGINBOTHAM, HO, and ENGELHARDT, Circuit Judges.

PER CURIAM:*

Oscar Segura-Romero appeals his conviction for illegal reentry following deportation after having been previously convicted of an aggravated felony. He argues that his conviction under Texas Penal Code §§ 22.01(a)(1) and (b)(2) did not constitute an aggravated felony for purposes of 8 U.S.C. § 1326(b)(2). The

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Government has moved, unopposed, for summary affirmance and, in the alternative, for an extension of time in which to file a brief.

Segura-Romero's argument is foreclosed by *United States v. Gracia-Cantu*, 920 F.3d 252, 254 (5th Cir. 2019), *petition for cert. filed* (U.S. June 25, 2019) (No. 18-1593). *Gracia-Cantu* held that a prior conviction for Assault-Family Violence under Texas Penal Code §§ 22.01(a)(1) and (b)(2) fell within 18 U.S.C. § 16(a), thereby qualifying as a crime of violence and an aggravated felony for purposes of § 1326(b)(2). 920 F.3d at 254. Summary affirmance is therefore appropriate.

Accordingly, the Government's unopposed motion for summary affirmance is GRANTED, the alternative motion for an extension of time is DENIED AS MOOT, and the judgment of the district court is AFFIRMED.