

**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

No. 14-20234
Conference Calendar

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

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

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,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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