

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

United States Court of Appeals  
Fifth Circuit

**FILED**

August 16, 2011

Lyle W. Cayce  
Clerk

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No. 11-40067  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

FELIX GARCIA-TOBIAS, also known as Alejandro Garcia-Torres,

Defendant-Appellant

\_\_\_\_\_

Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 7:10-CR-1409-1

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Before HIGGINBOTHAM, CLEMENT, and ELROD, Circuit Judges.

PER CURIAM:\*

Appealing the judgment in a criminal case, Felix Garcia-Tobias presents arguments that he concedes are foreclosed by *United States v. Ayala*, 542 F.3d 494, 494-95 (5th Cir. 2008), and *United States v. Zavala-Sustaita*, 214 F.3d 601, 604, 607 (5th Cir. 2000), which held that a violation of Texas’s indecency with a child by exposure statute constitutes “sexual abuse of a minor” and a crime of violence for purposes of an enhancement under U.S. Sentencing Guidelines Manual § 2L1.2. The appellant’s motion for summary disposition is GRANTED, and the judgment of the district court is AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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