

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

No. 18-40455
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

January 14, 2019

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

FERNANDO CASTILLO-QUINTANILLA,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:18-CR-12-1

Before KING, SOUTHWICK and ENGELHARDT, Circuit Judges.

PER CURIAM:*

Fernando Castillo-Quintanilla appeals his guilty plea convictions for possession with intent to distribute and conspiracy to possess with intent to distribute 50 grams or more of methamphetamine and 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), and 846. Castillo-Quintanilla, through counsel, has filed an unopposed motion for summary disposition of his

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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appeal. He argues that the factual basis supporting his guilty plea is insufficient because it fails to establish that he knew the type and quantity of the drug involved in the offenses. He correctly concedes that his argument, which he raises the first time on appeal, is foreclosed by *United States v. Betancourt*, 586 F.3d 303, 308-09 (5th Cir. 2009). He raises the argument solely to preserve it for possible further review.

As the sole argument raised on appeal is foreclosed, Castillo-Quintanilla's unopposed motion for summary disposition is GRANTED, and the district court's judgment is AFFIRMED. See *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).