IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 18-40737
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSE GUADALUPE VILLARREAL-CARDENAS,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:18-CR-144-1

Before JOLLY, COSTA, and HO, Circuit Judges.

PER CURIAM:[*]

Jose Guadalupe Villarreal-Cardenas appeals his guilty-plea conviction for importation of 500 grams or more of methamphetamine. He argues that the factual basis for his guilty plea was insufficient because the Government did not prove that he knew the type and quantity of the controlled substance involved in his offense.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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As Villarreal-Cardenas concedes, his argument is foreclosed by *United States v. Betancourt*, 586 F.3d 303, 308-09 (5th Cir. 2009), which held that *Flores-Figueroa v. United States*, 556 U.S. 646 (2009), did not overturn *United States v. Gamez-Gonzalez*, 319 F.3d 695 (5th Cir. 2003), and that the Government is not required to prove knowledge of the drug type and quantity as an element of a 21 U.S.C. § 841 drug trafficking offense. Likewise, knowledge of drug type and quantity is not an element that must be proven for an offense under the related drug importation statutes of 21 U.S.C. §§ 952(a) and 960(a). *United States v. Restrepo-Granda*, 575 F.2d 524, 527 (5th Cir. 1978); *see United States v. Valencia-Gonzales*, 172 F.3d 344, 345-46 (5th Cir. 1999). Thus, the Government was not required to prove that Villarreal-Cardenas knew the type and quantity of the controlled substance involved in his drug importation offense.

Accordingly, Villarreal-Cardenas's motion for summary disposition is GRANTED, and the district court's judgment is AFFIRMED.