

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

United States Court of Appeals  
Fifth Circuit

**FILED**

May 22, 2019

Lyle W. Cayce  
Clerk

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No. 18-40957  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ROEL RUBEN RAMOS,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 7:18-CR-69-1

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Before DAVIS, HAYNES, and GRAVES, Circuit Judges.

PER CURIAM:\*

Roel Ruben Ramos was convicted of possession with the intent to distribute 100 kilograms or more of marijuana and was sentenced to 87 months of imprisonment, to be followed by four years of supervised release. On appeal, he contends that his conviction was not supported by an adequate factual basis because the Government did not meet its obligation to prove that he had knowledge of the 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

No. 18-40957

As Ramos concedes, his sole appellate argument is foreclosed by *United States v. Betancourt*, 586 F.3d 303, 308-09 (5th Cir. 2009), which determined 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 quantity as an element of a 21 U.S.C. § 841 offense. The Government thus did not have to prove that Ramos knew the quantity of the controlled substance involved in his offense.

Accordingly, Ramos's unopposed motion for summary disposition is GRANTED, and the judgment of the district court is AFFIRMED.