

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

No. 18-41129
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

February 19, 2020

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

EDWARD JAVIER CATANO LOPEZ,

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:17-CR-1-7

Before DAVIS, SMITH, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Edward Javier Catano Lopez pleaded guilty without a plea agreement to conspiracy to possess with the intent to distribute cocaine and cocaine base while on board a vessel subject to the jurisdiction of the United States and aiding and abetting. He was sentenced to a prison term of 180 months. He appeals his conviction.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 18-41129

As an initial matter, the Government filed a motion to summarily dismiss the appeal, or alternatively, for an extension of time to file a merits brief. The motion was carried with the case, and the Government was ordered to file an appellee brief, which it has done. Thus, summary dismissal is no longer appropriate, and the motion for summary dismissal is denied as moot.

On appeal, Catano Lopez argues that 46 U.S.C. §§ 70503(a)(1) and 70506(b) were not intended to apply to possession of illicit substances aboard a boat by a Colombian citizen traveling between two foreign nations with intent to distribute in a foreign country, because such an application is a violation of international law. He also argues that the extraterritorial application of 46 U.S.C. §§ 70503(a)(1) and 70506(b) to his conduct violates due process because there is no nexus between his conduct and the United States, and he did not have notice that he could be haled into court and prosecuted in the Eastern District of Texas. In light of *United States v. Suerte*, 291 F.3d 366 (5th Cir. 2002), Catano Lopez fails to show reversible plain error. *See Puckett v. United States*, 556 U.S. 129, 135 (2009).

Accordingly, the judgment of the district court is AFFIRMED, and the motion for summary dismissal is DENIED.