

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

No. 19-40054
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 26, 2019

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RICARDO ROOSBEL MORALES-GALLEGOS,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:18-CR-579-1

Before REAVLEY, JONES, and HO, Circuit Judges.

PER CURIAM:*

Ricardo Roosbel Morales-Gallegos was convicted of one charge of importing 18.69 kilograms of methamphetamine and was sentenced to serve 168 months in prison. Now, he argues that the factual basis is insufficient to support his conviction because it does not establish that he knew the type and quantity of drugs involved with his offense. He concedes that this argument is foreclosed by *United States v. Betancourt*, 586 F.3d 303, 308-09 (5th Cir. 2009),

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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and he has filed an unopposed motion for summary disposition based on *Betancourt*.

As Morales-Gallegos acknowledges, *Betancourt* reiterated that a defendant's knowledge of the type and quantity of drugs is not an element of a federal drug offense. 586 F.3d at 308-09. This case thus forecloses his argument concerning the necessity of the factual basis establishing his knowledge of the type and quantity of drugs involved with his offense. *See id.* His motion for summary disposition is GRANTED, and the judgment of the district court is AFFIRMED.