

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

United States Court of Appeals  
Fifth Circuit

**FILED**

July 26, 2019

Lyle W. Cayce  
Clerk

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No. 19-40079  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ALDO SALAZAR-MARTINEZ,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 7:17-CR-909-1

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Before JOLLY, JONES, and SOUTHWICK, Circuit Judges.

PER CURIAM:\*

Aldo Salazar-Martinez pleaded guilty to importing 500 grams or more of cocaine. He contends, for the first time on appeal, that his conviction was not supported by an adequate factual basis because the Government failed to prove that he knew the type and quantity of drugs involved in his offense.

As Salazar-Martinez concedes, his claim is foreclosed by *United States v. Betancourt*, 586 F.3d 303, 308-09 (5th Cir. 2009), which concluded that *Flores-*

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 19-40079

*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 an offense arising under 21 U.S.C. § 841. The Government therefore did not have to establish that Salazar-Martinez was aware of the type and quantity of controlled substances involved in his offense under the analogous statute of 21 U.S.C. § 960(a)(1), (b)(2).

Thus, Salazar-Martinez's motion for summary disposition is GRANTED, and the district court's judgment is AFFIRMED.