

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

United States Court of Appeals
Fifth Circuit

FILED

August 16, 2019

Lyle W. Cayce
Clerk

No. 19-40171
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

VICTOR MANUEL ROBLEDO-CUEVAS,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:18-CR-400-1

Before CLEMENT, ELROD, and OLDHAM, Circuit Judges.

PER CURIAM:*

Victor Manuel Robledo-Cuevas was convicted of conspiracy to import 5 kilograms and more of a mixture and substance containing a detectable amount of cocaine and of importation of 5 kilograms and more of a mixture and substance containing a detectable amount of cocaine, and he was sentenced within the guidelines range to concurrent 57-month terms of imprisonment and to concurrent three-year periods of supervised release. In this appeal, he

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 19-40171

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), and he has filed an unopposed motion for summary disposition based on *Betancourt*.

As Robledo-Cuevas acknowledges, *Betancourt* reiterated that a defendant's knowledge of the type and quantity of drugs is not an element of a federal drug offense. *Id.* 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.