

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

July 21, 2023

Lyle W. Cayce
Clerk

No. 22-40500
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JOSE RODRIGO GALLARDO,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:21-CR-1329-1

Before WIENER, ELROD, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

Jose Rodrigo Gallardo pleaded guilty to a single count of conspiracy to possess with intent to distribute methamphetamine. On appeal, he challenges a two-level enhancement under U.S.S.G. § 2D1.1(b)(5) based on the district court's finding that the offense involved imported methamphetamine.

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

No. 22-40500

The district court’s factual finding is reviewed for clear error. *See United States v. Brune*, 991 F.3d 652, 667 (5th Cir. 2021). Gallardo argues that the district court erred by relying on the pre-sentencing report’s note that he “had made statements that he was dealing with the ‘cartel.’” Based on the record evidence regarding his association with an identified Mexican cartel and his involvement with a large quantity of methamphetamine, the district court did not clearly err in imposing the § 2D1.1(b)(5) enhancement. *See id.* at 667 & n.46.

AFFIRMED.