

United States Court of Appeals for the Fifth Circuit

No. 25-40705
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 24, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

BRENDA BANESSA LEAL,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 1:21-CR-596-6

Before HIGGINBOTHAM, JONES, and OLDHAM, *Circuit Judges*.

PER CURIAM:*

Following a bench trial, Brenda Banessa Leal was convicted of possession with intent to distribute more than five kilograms of cocaine and conspiracy to possess with intent to distribute more than five kilograms of cocaine. The district court sentenced her to 120 months of imprisonment, to run concurrently with the sentence imposed in Case No. 1:22-cr-1152. On appeal, Leal contends that her rights under the Speedy Trial Act were

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

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violated, that the district court was biased, and that she is entitled to resentencing in Case No. 1:22-cr-1152 if her convictions in this case are dismissed or vacated.

Because the second superseding indictment expanded the scope of Leal's conspiracy offense, it reset the speedy trial clock to begin running on February 15, 2022. *See United States v. Harris*, 566 F.3d 422, 429 (5th Cir. 2009). Contrary to Leal's argument, the district court's scheduling orders tolled the running of the speedy trial clock under 18 U.S.C. § 3161(h)(7)(A). The district court made an explicit finding that the ends of justice outweighed the defendants' interest in a speedy trial, and the scheduling orders clearly indicated when a continuance was granted and provided that the continuance was based on the court's certification of the case as complex. *See United States v. Bieganowski*, 313 F.3d 264, 283 (5th Cir. 2002). Because less than 70 non-excludable days passed between the second superseding indictment and trial, Leal's rights under the Speedy Trial Act were not violated. *See United States v. Gordon*, 93 F.4th 294, 305 (5th Cir. 2024).

Leal's argument that the district court was biased lacks merit, as there is nothing in the record indicating that the district court determined that Leal was guilty following the first day of her bench trial.

Finally, although Leal's sentence in Case No. 1:22-cr-1152 might be interrelated and interdependent to her sentence in this criminal proceeding, she is not entitled to resentencing in that case because her sentence in this case is not being reversed. *See United States v. Clark*, 816 F.3d 350, 360 (5th Cir. 2016).

AFFIRMED.