

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

No. 17-40102
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
September 25, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

BRENDA VIANET MARTINEZ-MONTES,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:16-CR-1368-1

Before WIENER, DENNIS, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Brenda Vianet Martinez-Montes appeals her guilty plea to one count of importing five kilograms or more of cocaine, in violation of 21 U.S.C. §§ 952 and 960. She asserts that the factual basis for her guilty plea was inadequate because the Government failed to meet its obligation to prove that she had knowledge of the particular type and quantity of controlled substance involved in her offense.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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As Martinez-Montes concedes, her argument is foreclosed by *United States v. Betancourt*, 586 F.3d 303, 308–09 (5th Cir. 2009). There we held that *Flores-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 a drug offense. Accordingly, the motion for summary disposition is GRANTED, and the judgment of the district court is AFFIRMED.