

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

No. 17-40363
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
December 7, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

KENNY ARLOTH IGNACIO-FRANCISCO,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:16-CR-1520-1

Before WIENER, DENNIS, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Kenny Arloth Ignacio-Francisco appeals his guilty plea conviction for importing 500 grams or more of methamphetamine in violation of 21 U.S.C. §§ 952(a)(1) and 960(a)(1), (b)(1). Ignacio-Francisco argues that the factual basis was insufficient to support his guilty plea conviction because the Government failed to meet its obligation to prove that he knew the type and quantity of drug involved in his 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 Ignacio-Francisco concedes, his argument is foreclosed by *United States v. Betancourt*, 586 F.3d 303, 308-09 (5th Cir. 2009), which 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 drug type and quantity as an element of a drug offense.

Accordingly, Ignacio-Francisco's motion for summary disposition is GRANTED, and the judgment of the district court is AFFIRMED.