

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

United States Court of Appeals  
Fifth Circuit

**FILED**

June 16, 2015

Lyle W. Cayce  
Clerk

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No. 14-41197  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

OSCAR DELGADILLO,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 7:14-CR-176-1

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Before DAVIS, JONES, and HIGGINSON, Circuit Judges.

PER CURIAM:\*

Appealing the judgment in a criminal case, Oscar Delgadillo raises an argument that he concedes is foreclosed by *United States v. Betancourt*, 586 F.3d 303, 308-09 (5th Cir. 2009), which held that knowledge of drug type and quantity is not an element of a 21 U.S.C. § 841 offense. Knowledge of drug type and quantity likewise is not an element of offenses under the related statutes of 21 U.S.C. § 952(a) and § 960(a). *United States v. Valencia-Gonzales*,

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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172 F.3d 344, 345-46 (5th Cir. 1999); *United States v. Restrepo-Granda*, 575 F.2d 524, 527 (5th Cir. 1978). The unopposed motion for summary disposition is GRANTED, and the judgment of the district court is AFFIRMED.