

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

No. 16-11686
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
November 30, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RAUL RANGEL, also known as J. R.,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:16-CR-132-11

Before WIENER, DENNIS, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Raul Rangel appeals the 365-month sentence of imprisonment imposed following his guilty plea conviction for conspiracy to possess with intent to distribute methamphetamine. He argues that the district court erred in attributing five kilograms of methamphetamine to him for sentencing purposes.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

No. 16-11686

The PSR initially attributed a much larger quantity of methamphetamine to Rangel, but, at sentencing, the district court sustained his objection in part and attributed only five kilograms of methamphetamine to him. Rangel's failure to object to this lesser drug quantity or the resulting sentence results in plain error review. *See United States v. Fierro*, 38 F.3d 761, 773 n.4 (5th Cir. 1994). The district court's determination of drug quantity is a factual question. *United States v. Betancourt*, 422 F.3d 240, 246 (5th Cir. 2005). The district court did not err in relying on the PSR, which was based on investigative reports and interviews of Rangel's co-defendants, or speculate as to the amount of methamphetamine attributable to Rangel. Therefore, the district court's finding of the applicable drug quantity in this case was not plain error.

AFFIRMED.