

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

UNITED STATES OF AMERICA

v.

DAVID LOPEZ

Defendant.

Case Number: EP:16-CR-00896-PRM(J)  
USM Number: 17702-189

2017 JUN 16 PM 4:33  
FEDERAL DISTRICT COURT  
OF TEXAS  
EL PASO  
DEPUTY

AMENDED JUDGMENT IN A CRIMINAL CASE  
(For Offenses Committed On or After November 1, 1987)

The defendant, DAVID LOPEZ, was represented by Richard L. Jewkes.

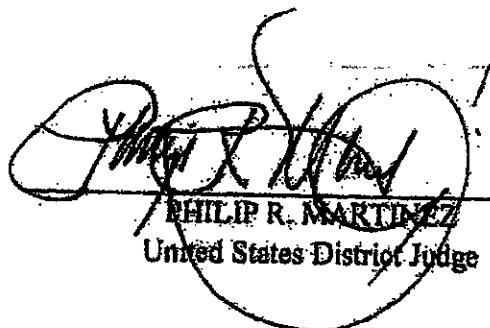
The defendant was found guilty by jury verdict after a plea of not guilty to Counts 1 and 2 of the Indictment on January 25, 2017. Accordingly, the defendant is adjudged guilty of such Counts, involving the following offenses:

<u>Title &amp; Section / Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21 USC 846 & 841 Conspiracy To Possess W/Intent To Distribute A Controlled Substance, to-wit: Marijuana > 1,000 Kilograms	August 22, 2015	1
21 USC 841 Possession W/Intent To Distribute A Controlled Substance, To-wit: Marijuana > 100 Kilograms	August 21, 2015	2

As pronounced on June 2, 2017, the defendant is sentenced as provided in pages 2 through 9 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984 and the Enhancement of Punishment Information filed May 18, 2016. ← \*

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid. If ordered to pay restitution, the defendant shall notify the Court and United States Attorney of any material change in the defendant's economic circumstances.

Signed this 16th day of June, 2017.

  
PHILIP R. MARTINEZ  
United States District Judge

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS**

UNITED STATES OF AMERICA )  
vs. ) PRESENTENCE INVESTIGATION REPORT  
David Lopez ) Docket No.: 0542 3:16CR00896-001

**Prepared for:** The Honorable Philip R. Martinez  
United States District Judge

**Prepared by:** Monique D. Martinez  
US Probation Officer Assistant  
El Paso, TX  
(915) 585-5542  
[Monique\\_Martinez@txwp.uscourts.gov](mailto:Monique_Martinez@txwp.uscourts.gov)

**Assistant U.S. Attorney**  
Kristal Melisa Wade  
700 E. San Antonio Avenue,  
Suite 200  
El Paso, TX 79901  
(915) 534-6884  
[kristal.wade@usdoj.gov](mailto:kristal.wade@usdoj.gov)

**Defense Counsel**  
Ronald E. Henry  
1301 North Oregon Street, Suite 100  
El Paso, TX 79902  
(915) 543-6300  
[ronhenrybx@gmail.com](mailto:ronhenrybx@gmail.com)

Original Sentence Date: May 4, 2017 8:00 AM

**Offense:** **Count 1:** Conspiracy to Possess with Intent to Distribute 1,000 Kilograms or More of Marijuana  
21 U.S.C. § 846, 21 U.S.C. § 841(a)(1) and 21 U.S.C. § 841(b)(1)(A)(vii) and 21 U.S.C. § 851  
20 years to life imprisonment/\$20,000,000 fine  
(Class A Felony)

**Count 2:**  
Possession with Intent to Distribute 100 Kilograms or More of Marijuana  
21 U.S.C. § 841(a)(1), 21 U.S.C. § 841(b)(1)(B)(vii) and 21 U.S.C. § 851  
10 years to life imprisonment/\$8,000,000 fine  
(Class A Felony)

**Release Status:** In federal custody without a bond since June 3, 2016.

**Detainers:** None.

**Codefendants:** None.

Date Report Prepared: April 10, 2017

Date Report Revised: April 26, 2017

# United States Court of Appeals for the Fifth Circuit

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No. 20-51025

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United States Court of Appeals  
Fifth Circuit

**FILED**

November 22, 2021

UNITED STATES OF AMERICA,

Lyle W. Cayce  
Clerk

*Plaintiff—Appellee,*

*versus*

DAVID LOPEZ,

*Defendant—Appellant.*

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Application for Certificate of Appealability from the  
United States District Court for the Western District of Texas  
USDC No. 3:19-CV-234

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## ORDER:

IT IS ORDERED that appellant's motion for a certificate of appealability is DENIED.

/s/ James E. Graves, Jr.

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JAMES E. GRAVES, JR.  
*United States Circuit Judge*



Certified as a true copy and issued  
as the mandate on Dec 27, 2021

Attest:

*Lyle W. Cayce*  
Clerk, U.S. Court of Appeals, Fifth Circuit

United States Court of Appeals  
for the Fifth Circuit

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No. 20-51025

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

DAVID LOPEZ,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 3:19-CV-234

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ON MOTION FOR RECONSIDERATION  
AND REHEARING EN BANC

Before SOUTHWICK, GRAVES, and COSTA, *Circuit Judges.*

PER CURIAM:

The motion for reconsideration is DENIED. Because no member of the panel or judge in regular active service requested that the court be polled on rehearing en banc (FED. R. APP. P. 35 and 5TH CIR. R. 35), the petition for rehearing en banc is DENIED.

**Additional material  
from this filing is  
available in the  
Clerk's Office.**