

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 10-11333
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JULY 25, 2011 JOHN LEY CLERK
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D.C. Docket No. 4:09-cr-00017-HLM-WEJ-1

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JEFFREY BRIAN NICKEL,

Defendant - Appellant.

Appeal from the United States District Court
for the Northern District of Georgia

(JULY 25, 2011)

Before EDMONDSON, PRYOR and BLACK, Circuit Judges.

PER CURIAM:

Jeffrey Brian Nickel appeals his 10-year sentence for using a computer connected to the internet to attempt knowingly to persuade, induce, entice, and coerce someone under the age of 18 to engage in illegal sexual activity, for which he could be charged with child molestation, in violation of 18 U.S.C. § 2422(b).

The appeal presents the issue:

Whether the imposition of the ten-year mandatory minimum sentence violated the Eighth Amendment's prohibition against cruel and unusual punishment.

Nickel's objection at the sentencing hearing to the constitutionality of the mandatory minimum sentence required by § 2422(b) was sufficient to preserve, for appeal, his claim that the ten-year mandatory minimum sentence violated his rights under the Eighth Amendment. The appropriate standard of review is *de novo*.

Because a ten-year sentence is not grossly disproportionate to this crime, his Eighth Amendment claim is without merit. For background, see United States v. Brenton-Farley, 607 F.3d 1294 (11th Cir. 2010), cert. denied, 131 S. Ct. 369 (2010).

AFFIRMED.