

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 11-14963  
Non-Argument Calendar

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D. C. Docket No. 2:11-cr-00116-VEH-JEO-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAMES FRANKLIN LINER,  
a.k.a. Jim,

Defendant-Appellant.

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Appeal from the United States District Court  
For the Northern District of Alabama

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(February 6, 2013)

Before MARCUS, EDMONDSON, and BLACK, Circuit Judges.

PER CURIAM:

James Liner appeals his conviction and sentence for attempting to induce an individual who had not obtained the age of 18 years to engage in unlawful sexual activity. Briefly stated, Liner argues that (1) the evidence was insufficient to support his conviction, (2) the district court erred in failing to impose a sanction for an alleged discovery violation by the government, and (3) the imposition of a ten-year mandatory minimum sentence of imprisonment violates the Eighth Amendment.

Sufficient evidence allowed the jury reasonably to infer that Liner used a facility -- phone and internet -- of interstate commerce and took a substantial step (including meeting with an intermediary and paying \$100) toward the commission of the offense: no sex act was required. There was no discovery violation by the government: the pertinent information was not a criminal record and was not intended to be used by the government at trial; the district court did not abuse its discretion on sanctions. The ten-year mandatory minimum sentence did not violate the Eighth Amendment: sexual abuse of children is a serious societal problem. For background, see *United States v. Farley*, 607 F.3d 1294, 1343-45 (11th Cir. 2010).

AFFIRMED.