

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 22-13661

Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BRAUDIMIL PINEDA,
a.k.a. Valdimir Pineda,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:22-cr-00076-WFJ-SPF-1

Before NEWSOM, BRANCH, and GRANT, Circuit Judges.

PER CURIAM:

Braudimil Pineda appeals his conviction and sentence for conspiracy to possess with intent to distribute cocaine while aboard a vessel subject to United States jurisdiction in violation of the Maritime Drug Law Enforcement Act (“MDLEA”), 46 U.S.C. §§ 70503(a), 70506(a), and 21 U.S.C. § 960(b)(1)(B)(ii). He argues that (1) the district court lacked subject matter jurisdiction because the MDLEA is facially unconstitutional as it grants the United States jurisdiction based on a definition of “vessel without nationality” that includes vessels that are not stateless under international law, and (2) the district court violated his due process rights by failing to orally pronounce the standard conditions of supervised release at his sentencing hearing.¹ After review, we affirm.

I. Background

In 2022, a federal grand jury indicted Pineda and another defendant on charges of (1) conspiracy to possess with intent to distribute five kilograms of cocaine while on the high seas aboard a vessel subject to the jurisdiction of the United States; and (2) possessing with intent to distribute five or more kilograms of

¹ The government contends that Pineda’s sentencing challenge is barred by the sentence-appeal waiver in his plea agreement. We address the government’s argument further below.

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cocaine while aboard a vessel subject to the jurisdiction of the United States. Pineda pleaded guilty to Count One pursuant to a written plea agreement.² The sentence-appeal waiver in the plea agreement provided that:

The defendant agrees that this Court has jurisdiction and authority to impose any sentence up to the statutory maximum and expressly waives the right to appeal defendant's sentence on any ground, including the ground that the Court erred in determining the applicable guidelines range . . . , except (a) the ground that the sentence exceeds the defendant's applicable guidelines range as determined by the Court pursuant to the United States Sentencing Guidelines; (b) the ground that the sentence exceeds the statutory maximum penalty; or (c) the ground that the sentence violates the Eighth Amendment to the Constitution

(emphasis in original). Pineda initialed each page of the agreement and signed the plea agreement, including the certification that he read and fully understood the terms of the agreement. At the change-of-plea hearing, Pineda again confirmed that the plea agreement had been explained to him and that he understood it. The district court then specifically reviewed the appeal waiver with Pineda, and Pineda confirmed that he understood that he could not appeal except in the limited circumstances identified in the

² Pineda did not raise any challenge to 46 U.S.C. § 70502(d)(1)(C)'s definition of a vessel without nationality during the district court proceedings.

agreement. The district court imposed a below-guidelines sentence of 102 months' imprisonment to be followed by five years' supervised release. The district court stated that, while on supervised release, Pineda would have to "comply with the mandatory and standard conditions." However, the district court did not review the standard conditions. Pineda did not object to the sentence or the district court's failure to explain the standard conditions of supervised release. Pineda's judgment listed the standard conditions adopted by the Middle District of Florida. This appeal followed.

II. Discussion

Pineda argues that (1) the MDLEA's definition of "vessel without nationality" in 46 U.S.C. § 70502(d)(1)(C) is unconstitutional because it includes vessels that are not stateless under international law; and (2) the district court violated his due process rights by failing to orally pronounce the standard conditions of supervised release at his sentencing hearing. We address each argument in turn.

A. *Pineda's Constitutional Challenge to the MDLEA*

Pineda argues for the first time on appeal that the MDLEA's definition of "vessel without nationality" in § 70502(d)(1)(C) is unconstitutional because it includes vessels that are not stateless under international law. He maintains that this claim implicates the district court's subject matter jurisdiction and is therefore subject to *de novo* review even though he raises this argument for the first time on appeal. See *United States v. Iguaran*, 821 F.3d 1335,

1336 (11th Cir. 2016) (explaining that, even when raised for the first time on appeal, we review issues of subject matter jurisdiction *de novo*).

Contrary to Pineda’s contention, his challenge is not one of subject matter jurisdiction. Specifically, he is not challenging whether his vessel met the definition of a “vessel without nationality” as set forth in § 70502(d)(1)(C), and was therefore subject to the jurisdiction of the United States.³ Instead, he argues that Congress exceeded its authority under the Felonies Clause of the United States Constitution⁴ in defining a “vessel without

³ The MDLEA makes it a crime to “knowingly or intentionally . . . possess with intent to manufacture or distribute, a controlled substance” on board “a [covered] vessel subject to the jurisdiction of the United States,” and to conspire to do the same. 46 U.S.C. §§ 70503(a)(1), (e)(1), 70506(b). It defines a “vessel subject to the jurisdiction of the United States” as including “a vessel without nationality.” *Id.* § 70502(c)(1)(A). A “vessel without nationality” is further defined to include “a vessel aboard which the master or individual in charge makes a claim of registry and for which the claimed nation of registry does not affirmatively and unequivocally assert that the vessel is of its nationality.” *Id.* § 70502(d)(1)(C). Pineda admitted as part of his plea agreement—and does not dispute on appeal—that he claimed Dominican Republic nationality for the vessel, and the Dominican Republic could neither confirm nor deny the registry or nationality.

⁴ Under Article I, Section 8, Clause 10 of the Constitution, Congress has “three distinct grants of power: (1) the power to define and punish piracies, (the Piracies Clause); (2) the power to define and punish felonies committed on the high Seas, (the Felonies Clause); and (3) the power to define and punish offenses against the law of nations (the Offences Clause).” *United States v. Alfonso*, 104 F.4th 815, 820 (11th Cir. 2024) (alteration adopted) (quotations

nationality” as one for which a nation cannot confirm or deny registry. As we explained in *Alfonso*, “[t]his argument is a garden variety constitutional attack, which [Pineda] should have raised below in order to preserve the issue for appeal.” 104 F.4th at 829 n.18. Because Pineda failed to do so, his constitutional challenge is subject to plain error review. *Id.*; *United States v. Valois*, 915 F.3d 717, 729 n.7 (11th Cir. 2019) (“We ordinarily review *de novo* the constitutionality of a statute, because it presents a question of law, but we review for plain error where a defendant raises his constitutional challenge for the first time on appeal.”).

To establish plain error, a defendant must show there is (1) error, (2) that is plain, and (3) that affects substantial rights. If all three conditions are met, we may exercise our discretion to recognize a forfeited error, but only if the error seriously affect[s] the fairness, integrity or public reputation of judicial proceedings.

Alfonso, 104 F.4th at 828 (quotations and citation omitted). Pineda cannot show plain error because his claim is squarely foreclosed by our binding precedent in *Alfonso* and *United States v. Canario-Vilomar*, 128 F.4th 1374 (11th Cir. 2025).

In *Alfonso*, we held that the scope of the Felonies Clause is not limited by international law. 104 F.4th at 824–26. We reaffirmed *Alfonso*’s holding in *Canario-Vilomar* and rejected a claim

omitted), *cert. denied sub nom. Alfonso v. United States*, __ S. Ct. __, 2025 WL 1426696 (May 19, 2025).

identical to Pineda's, holding that because "the Felonies Clause is not limited by customary international law," "[i]t follows that international law cannot limit Congress's authority to define [a vessel without nationality] for purposes of the MDLEA." 128 F.4th at 1381 (quotations omitted). Accordingly, Pineda cannot show any error, much less plain error, in light of our decisions in *Alfonso* and *Canario-Vilomar*. See *United States v. Archer*, 531 F.3d 1347, 1352 (11th Cir. 2008) (explaining that "a prior panel's holding is binding on all subsequent panels unless and until it is overruled or undermined to the point of abrogation by the Supreme Court or by this [C]ourt sitting *en banc*"). Consequently, he is not entitled to relief on this claim.

B. Pineda's Sentencing Challenge

Pineda also argues for the first time on appeal that the district court violated his due process rights by failing to orally pronounce the standard conditions of supervised release at his sentencing hearing. See *United States v. Rodriguez*, 75 F.4th 1231, 1247–48 (11th Cir. 2023). The government contends that this claim is barred by the sentence-appeal waiver in Pineda's plea agreement. Pineda in turn argues that the appeal waiver should not bar his claim because he had no opportunity to object to the standard conditions of supervised release because they were included for the first time in the written judgment. He maintains that we must conduct a plenary review to determine whether the standard conditions are a part of his sentence before dealing with questions about the scope of the appeal waiver. We disagree with Pineda and

conclude that his challenge is barred by his sentence-appeal waiver, which is valid and enforceable.

“We review the validity of a sentence appeal waiver de novo.” *United States v. Johnson*, 541 F.3d 1064, 1066 (11th Cir. 2008). We enforce appeal waivers that are made knowingly and voluntarily. *See United States v. Bascomb*, 451 F.3d 1292, 1294 (11th Cir. 2006); *United States v. Bushert*, 997 F.2d 1343, 1350–51 (11th Cir. 1993). To demonstrate that a waiver was made knowingly and voluntarily, the government must show that either (1) the district court specifically questioned the defendant about the waiver during the plea colloquy; or (2) the record makes clear “that the defendant otherwise understood the full significance of the waiver.” *Bushert*, 997 F.2d at 1351. We have held that a claim that the district court violated the defendant’s right to due process when it imposed a sentence without describing the standard conditions “falls within the scope of [an] appeal waiver.” *United States v. Read*, 118 F.4th 1317, 1321 (11th Cir. 2024).

The record establishes that Pineda’s sentence-appeal waiver was knowingly and voluntarily made. *Bushert*, 997 F.2d at 1351. Pineda initialed each page of the plea agreement, signed the agreement, and confirmed during the plea colloquy that the agreement had been explained to him and that he understood it. The district court also orally reviewed the sentence-appeal waiver with Pineda during the plea colloquy, and Pineda stated that he understood. “There is a strong presumption that the statements made during the [plea] colloquy are true.” *United States v. Medlock*,

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12 F.3d 185, 187 (11th Cir. 1994). Thus, the appeal waiver is valid and enforceable and forecloses Pineda's claim.⁵ *See Read*, 118 F.4th at 1321.

III. Conclusion

For the above reasons, we affirm Pineda's conviction and sentence.

AFFIRMED.

⁵ To the extent that Pineda argues that there is a conflict between the written judgment and the oral pronouncement at sentencing, his argument is unpersuasive. The district court explained at sentencing that Pineda must comply with "the mandatory and standard conditions" during his supervised release. Pineda did not object. Then, in its written order, it explained those conditions adopted by the Middle District of Florida in detail. So there is no discrepancy between the oral pronouncement and the written judgment.

Additionally, to the extent that Pineda contends that the Middle District of Florida has not adopted any standard conditions of supervision, he is incorrect. *See Read*, 118 F.4th at 1322 (referring to standard conditions adopted by the Middle District of Florida); *United States v. Hayden*, 119 F.4th 832, 836 (11th Cir. 2024) (referencing the standard conditions for the Middle District of Florida "which [are] available on the district court website" and noting that these conditions "match[] the conditions in the relevant sentencing guideline[s]").