NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-13498

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

VICTOR URIEL DIEGO ESTRADA,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Georgia
D.C. Docket No. 3:23-cr-00024-TES-CHW-1

Before JORDAN, JILL PRYOR, and KIDD, Circuit Judges.

PER CURIAM:

Victor Diego Estrada was convicted of one count of conspiracy to possess with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A)(viii), and 846, and one count of possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1) and 841(b)(1)(A)(viii). The district court sentenced him to 300 months' imprisonment. Estrada now appeals his sentence on various grounds, including both factual and legal challenges.

With the benefit of oral argument, we conclude that the lack of explicit factual findings from the district court precludes us from conducting meaningful appellate review. Because the district court did not adequately explain its factual findings at sentencing, we vacate Estrada's sentence and remand for resentencing.

I. BACKGROUND

A. Offense Conduct

Victor Diego Estrada caught the eye of the Drug Enforcement Administration ("DEA") in late 2023. Here's how it happened: A DEA confidential informant contacted a Mexico-based narcotics broker. The broker told the informant that he had access to cocaine and methamphetamine in north Georgia. The source of those drugs turned out to be Estrada.

Armed with this information, the DEA moved forward with its investigation. The confidential informant contacted the Mexican broker and arranged to purchase a kilogram of methamphetamine from his American connection. The broker told the informant where to go, and when the informant arrived there, he purchased a kilogram of methamphetamine from Estrada. Following the sale, law enforcement tailed Estrada. They watched him travel to three separate Walmart stores and purchase coolers of a type that is commonly used to cook methamphetamine.

The DEA executed a search warrant at Estrada's home, 5140 Hightower Trail ("Hightower Trail"). Estrada was home alone at the time, and agents arrested him without incident. A search of the home revealed narcotics and materials consistent with drug trafficking. Agents also discovered at Hightower Trail two cell phones, for which they quickly secured search warrants. The devices contained communications suggesting that Estrada and a drug-trafficking associate had signed a lease for a house located at 4152 Murray Lake Circle ("Murray Lake"). Law enforcement turned its attention to Murray Lake.

Three days after the search at Hightower Trail, DEA agents executed a search warrant at Murray Lake. The agents discovered in the unoccupied home (1) 188 kilograms of crystal methamphetamine, (2) an unknown quantity of liquid methamphetamine, (3) four kilograms of a substance that field tested positive for both cocaine and fentanyl, and (4) various pieces of equipment used in methamphetamine conversion laboratories.

In addition, law enforcement found a firearm—a loaded Taurus 9mm handgun—in the home. The gun and a spare 9mm magazine were found on an air mattress in one of the bedrooms.

A grand jury charged Estrada with two offenses: one count of conspiracy to possess with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A)(viii), and 846, and one count of possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1) and

841(b)(1)(A)(viii). Estrada pleaded guilty to both counts of the indictment.

B. Presentence Investigation Report

A probation officer prepared a presentence investigation report in advance of Estrada's sentencing. Relevant to this appeal, the report applied a two-level enhancement to Estrada's offense level pursuant to United States Sentencing Guidelines Manual § 2D1.1(b)(1) because Estrada possessed a loaded firearm in connection with the offense. The report also declined to reduce Estrada's offense level under § 4C1.1, the "Adjustment for Certain Zero-Point Offenders."

Estrada objected to the presentence investigation report. As to the firearm enhancement, he denied having either knowledge or possession of the gun at any time. He pointed out that the gun was discovered at Murray Lake three days after his arrest. There was no evidence that he had ever been in actual possession of the gun, Estrada argued, and there was no surveillance showing that he had been at Murray Lake with a firearm. He contended that the evidence recovered at Hightower Trail, including his passport and wallet, showed that he lived at Hightower Trail, not Murray Lake. And although documents and mail had been found at Murray Lake, none was in his name. Although Estrada acknowledged that he was on the Murray Lake lease, he maintained that he did not reside there.

Estrada also highlighted what he believed were unsubstantiated assumptions in the probation officer's reasoning. He argued that the presentence investigation report did not identify when the gun had been brought into Murray Lake and who might have brought it into the house. Estrada also argued that the evidence showed that multiple people possibly lived in and visited Murray Lake, any one of whom could have brought the gun into the house. Finally, he pointed out that the purchaser of the gun was listed as a "Courtney Lorraine Blackburn," a person with whom he had no connection. And if the district court agreed that he did not possess the gun, Estrada contended, he was entitled to § 4C1.1's two-level reduction to his offense level as a zero-point offender.

The government opposed Estrada's objections. It argued that, even if the court did not find that Estrada possessed the firearm himself, he could be held responsible for the conduct of a co-conspirator. If the court found that a co-conspirator possessed the gun, the government contended, that finding would be enough to apply the firearm enhancement. And if the court overruled Estrada's objection to the firearm enhancement, he would be ineligible for the zero-point offender reduction in U.S.S.G. § 4C1.1.

The probation officer declined to change the presentence investigation report, concluding that the firearm "was possessed within the scope of the drug conspiracy, the possession was in furtherance of that illegal activity, and possession of the firearm was reasonably foreseeable in connection with drug distribution." Doc. 32-1 at 1.[1] Agreeing with the government's position, the probation

[1] "Doc." numbers refer to the district court's docket entries.

officer concluded that Estrada could be held liable for a co-conspirator's conduct. The probation officer did not reconsider Estrada's eligibility for the U.S.S.G. § 4C1.1 reduction.

C. Sentencing

At sentencing, Estrada maintained his objections to the presentence investigation report, and the government maintained its opposition to the objections. The government described the DEA's investigation into Estrada, the incriminating evidence that had been uncovered at Hightower Trail and Murray Lake, and the lease linking Estrada to Murray Lake. The government conceded that Estrada might not have lived at Murray Lake, but it maintained that either Estrada or a co-conspirator possessed the gun that was found there. Either way, the government argued, there was a sufficient basis for the § 2D1.1(b)(1) enhancement.

The district court overruled Estrada's objection to the firearm enhancement and applied the two-level increase, stating the following—and only the following—on the record:

> All right. I'm going to overrule the objection. I think the law is clear that if a co-conspirator possesses that then you can assess the firearm enhancement. I think he's done and I don't think that he's shown that it's clearly not [sic] improbable that he had a gun.

Doc. 46 at 6. After the court overruled Estrada's § 2D1.1(b)(1) objection, it did not address his request for the § 4C1.1 adjustment, seemingly finding that the issue was foreclosed by its § 2D1.1(b)(1) determination. The district court calculated Estrada's guidelines range as 262 to 327 months' imprisonment, ultimately imposing a total sentence of 300 months.

This timely appeal followed.

II. STANDARD OF REVIEW

"We review *de novo* the interpretation and application of the Guidelines, and we review underlying factual findings for clear error." *United States v. Tejas*, 868 F.3d 1242, 1244 (11th Cir. 2017). We will not find a factual finding clearly erroneous unless we are left with "a definite and firm conviction that the court made a mistake." *Id.* "Possession of a firearm for sentencing purposes is a factual finding." *United States v. Geffrard*, 87 F.3d 448, 452 (11th Cir. 1996).

If a sentencing court's failure to make specific findings of fact precludes meaningful appellate review, we will vacate the defendant's sentence and remand for explicit findings. *See United States v. Mock*, 523 F.3d 1299, 1304 (11th Cir. 2008).

III. ANALYSIS

Estrada makes two arguments on appeal. First, he argues that the district court erred when it applied the U.S.S.G. § 2D1.1(b)(1) enhancement for possessing a firearm. He argues that the district court erroneously deferred to the § 2D1.1 commentary even though our case law suggests that no deference was due. He also contends that the evidence was insufficient to show that either he or a co-conspirator constructively possessed the firearm. Second, Estrada argues that he was entitled to the two-level § 4C1.1

reduction because he met all the requirements in the guideline, including not possessing a firearm.

Although normally we would accept Estrada's invitation to address these legal arguments, here the record—or lack thereof—prevents us from doing so. To explain why, we begin by explaining the relevant law.

Because Estrada was convicted of committing and conspiring to commit drug trafficking offenses, he was sentenced under U.S.S.G. § 2D1.1. Section 2D1.1 lays out potential enhancements, including a two-level increase to the offense level for firearm possession. *See* U.S.S.G. § 2D1.1(b)(1). That subsection provides, "If a dangerous weapon (including a firearm) was possessed, increase by 2 levels." *Id.* Additionally, the commentary to § 2D1.1(b)(1) explains that "[t]he enhancement should be applied if the weapon was present, unless it is clearly improbable that the weapon was connected with the offense." *Id.* cmt. n.11(A).

Importantly, a defendant involved in a conspiracy is not only responsible for his own actions—he can also be held responsible for the actions of a co-conspirator. In the case of jointly undertaken criminal activity, a defendant can be held responsible for all acts and omissions that were "(i) within the scope of the jointly undertaken criminal activity, (ii) in furtherance of that criminal activity, and (iii) reasonably foreseeable in connection with that criminal activity." U.S.S.G. § 1B1.3(a)(1)(B). But before a district court can hold a defendant liable for his co-conspirator's actions, the court "must first make individualized findings concerning the scope of criminal activity undertaken by a particular defendant." *United States v. Barry*, 163 F.4th 1346, 1350 (11th Cir. 2026) (citation omitted).

Reading § 2D1.1(b)(1) and § 1B1.3(a)(1)(B) together, Estrada could have received the two-level § 2D1.1(b)(1) enhancement if either (1) he possessed a firearm or (2) a co-conspirator possessed a firearm within the scope of criminal activity jointly undertaken with Estrada.

On the record before us, we cannot tell which of these two paths the district court took when it enhanced Estrada's offense level. Recall the district court's statement at sentencing:

> All right. I'm going to overrule the objection. I think the law is clear that if a co-conspirator possesses that then you can assess the firearm enhancement. I think he's done and I don't think that he's shown that it's clearly not [sic] improbable that he had a gun.

Doc. 46 at 6.

This statement points us in two different directions. On one hand, it suggests that the district court traveled down the co-conspirator route when it stated, "[T]he law is clear that if a co-conspirator possesses that then you can assess the firearm enhancement." Doc. 46 at 6. On the other hand, to apply the enhancement based on co-conspirator liability, the district court was required to make individualized findings of the scope of the criminal activity Estrada undertook. *See Barry*, 163 F.4th at 1350. That the record is devoid of any such individualized findings may suggest that the court based the enhancement on Estrada's own possession of the firearm instead.

The rest of the district court's statement further muddies the waters. The court also said, "I think he's done and I don't think that he's shown that it's clearly not [sic] improbable that *he* had a gun." Doc. 46 at 6 (emphasis added). Putting aside the court's apparent deference to the § 2D1.1 commentary—deference which may or may not have been warranted under our case law, *see United States v. Kluge*, 147 F.4th 1291, 1297–98 (11th Cir. 2025)—we are left wondering who had the gun in the district court's statement. The court might have meant that Estrada had not shown clear improbability that he himself had a gun, or it might have meant that Estrada had not shown clear improbability that his co-conspirator had a gun. We have no way of knowing.

"To facilitate judicial review of sentencing decisions and avoid unnecessary remands, sentencing courts should make explicit findings of fact and conclusions of law." *United States v. Gutierrez*, 931 F.2d 1482, 1492 (11th Cir. 1991). A district court's failure to do so can preclude meaningful appellate review, requiring us to remand for explicit findings. *See Mock*, 523 F.3d at 1304. But even absent explicit findings, we may conduct meaningful appellate review nonetheless if "it is clear from the record what evidence the court credited in making its . . . determination." *See United States v. Bradley*, 644 F.3d 1213, 1293 (11th Cir. 2011).

Here, the district court's failure to make explicit findings of fact precludes meaningful appellate review. The record is unclear about what the district court's factual finding was, let alone what evidence the court credited in coming to its decision. And the record is devoid of the basic information necessary for such inquiries, like the identity of the co-conspirator and the scope of the conspiracy. These deficiencies prevent us from meaningfully reviewing Estrada's sentence.

Without an adequate explanation of the court's factual findings, we cannot decide whether the court erred when it enhanced Estrada's offense level. Nor can we decide whether Estrada was entitled to the § 4C1.1 adjustment as a zero-point offender. *See* U.S.S.G. § 4C1.1(a) (entitling a defendant to a two-level reduction if the defendant, among other criteria, "did not possess . . . a firearm or other dangerous weapon . . . in connection with the offense").

We will need clarification from the district court before we can properly review Estrada's sentence. Accordingly, we **VACATE** his sentence and **REMAND** this case to the district court for explicit factual findings on the basis for the enhancement it imposed.