

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-13968
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

NATHANIEL SHAMAD BRAXTON,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 9:24-cr-80061-AMC-1

Before ABUDU, ANDERSON, and ED CARNES, Circuit Judges.

PER CURIAM:

Nathaniel Braxton pleaded guilty to possessing a firearm and ammunition as a felon, in violation of 18 U.S.C. § 922(g)(1). He submitted a stipulated factual proffer in conjunction with his written

plea agreement. In that agreement, he acknowledged that he understood that the district court could impose a statutory maximum sentence of up to 15 years. At the change of plea hearing, the district court informed Braxton that it was statutorily authorized to impose a sentence of up to 15 years, and Braxton stated that he understood. The court entered a judgment of conviction.

At the sentence hearing, the court found Braxton's total offense level to be 17 and his criminal history category to be III, yielding a recommended guidelines range of 30 to 37 months imprisonment, followed by a term of supervised release. The parties jointly recommended a 30-month term of imprisonment. But the court imposed a 45-month term of imprisonment, which included an eight-month upward variance from the top of the recommended guidelines range. Braxton appeals both his conviction and sentence, challenging the constitutionality of his conviction and contending that his sentence is both procedurally and substantively unreasonable. We affirm.

I.

Braxton challenges the constitutionality of his conviction under 18 U.S.C. § 922(g)(1), arguing that the district court erred in denying his motion to dismiss the indictment based on his view that § 922(g)(1), as applied to him, is unconstitutional under both the Second Amendment and the Commerce Clause. He also argues § 922(g)(1) is facially unconstitutional under the Commerce Clause.

We review *de novo* the constitutionality of a criminal statute. *United States v. Gruezo*, 66 F.4th 1284, 1292 (11th Cir. 2023); *see also*

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Class v. United States, 583 U.S. 174, 178 (2018) (holding that a “guilty plea by itself” does not “bar[] a federal criminal defendant from challenging the constitutionality of the statute of conviction”).

“[O]ur precedent forecloses” Braxton’s constitutional challenges to § 922(g)(1). See *United States v. Carter*, 180 F.4th 1285, 1287 n.1 (11th Cir. 2026); *United States v. Hicks*, 166 F.4th 933, 938–39 (11th Cir. 2026) (holding that our prior precedent foreclosed a criminal defendant’s facial and as-applied Second Amendment challenge to § 922(g)(1)); *United States v. Edwards*, 142 F.4th 1270, 1285 (11th Cir. 2025) (“We have repeatedly held that § 922(g) is facially constitutional under the Commerce Clause[.]”); *id.* (explaining we’ve “rejected as-applied challenges to § 922(g), holding that the government demonstrates the required ‘minimal nexus’ to interstate commerce when it proves that the firearms were manufactured outside the state where the offense took place and, thus, necessarily traveled in interstate commerce”); *United States v. Dubois*, 139 F.4th 887, 893–94 (11th Cir. 2025) (*Dubois II*) (reaffirming the precedential authority of *Rozier* over Second Amendment challenges to § 922(g)(1)); *United States v. Rozier*, 598 F.3d 768, 771 (11th Cir. 2010) (holding that § 922(g)(1) is a “constitutional avenue to restrict the Second Amendment right[s]” of convicted felons as a class of people disqualified from possessing firearms).

“[W]e are bound to follow a prior binding precedent unless and until it is overruled by this court en banc or by the Supreme Court.” *United States v. White*, 837 F.3d 1225, 1228 (11th Cir. 2016) (quotations marks omitted). None of the binding precedent we

have cited has been overruled. We reject Braxton’s arguments that his conviction under § 922(g)(1) is unconstitutional under the Second Amendment and the Commerce Clause, either facially or as applied.

II.

Braxton also contends that his sentence is procedurally and substantively unreasonable. We employ a two-step process when reviewing the reasonableness of a criminal sentence. *United States v. Boone*, 97 F.4th 1331, 1338 (11th Cir. 2024). We determine first whether a sentence is procedurally reasonable, reviewing legal issues *de novo* and factual findings for clear error. *See United States v. Green*, 981 F.3d 945, 953 (11th Cir. 2020); *United States v. Rothenberg*, 610 F.3d 621, 624 (11th Cir. 2010). And we “will not find clear error unless our review of the record leaves us with the definite and firm conviction that a mistake has been committed.” *United States v. Foster*, 878 F.3d 1297, 1304 (11th Cir. 2018) (quotation marks omitted).

To preserve a challenge to the procedural reasonableness of a sentence, a defendant must clearly state the grounds on which the objection is made in the district court, or he forfeits the objection. *See United States v. Gonsalves*, 121 F.3d 1416, 1421 (11th Cir. 1997) (“[F]ailure to raise a specific ground for objection constitutes [forfeiture], and review by this Court is limited to plain error[.]”) (citation omitted). “A sweeping, general objection is insufficient to preserve specific sentencing issues for review.” *United States v. Carpenter*, 803 F.3d 1224, 1237–38 (11th Cir. 2015). Braxton made only

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a general objection to the procedural reasonableness of his sentence, stating: “We would object that the sentence is procedurally and substantively unreasonable.” So we review it only for plain error. *See id.*; *see also United States v. Steiger*, 99 F.4th 1316, 1324 (11th Cir. 2024) (en banc).

If we determine that the sentence is procedurally sound, we review its substantive reasonableness in light of the totality of the circumstances and give deference to the district court under the abuse-of-discretion standard. *See United States v. Irej*, 612 F.3d 1160, 1188–90 (11th Cir. 2010) (en banc).

A.

We will overturn a sentence as procedurally unreasonable only if the district court commits a significant procedural error. *Boone*, 97 F.4th at 1340. “[F]ailing to adequately explain the chosen sentence” is an example of such an error. *Id.* (quotation marks omitted); *see* 18 U.S.C. § 3553(c) (requiring a district court to “state in open court the reasons for its imposition of the particular sentence”); *see also Steiger*, 99 F.4th at 1321 (explaining that when a district court imposes a sentence outside the recommended guidelines range it must “adequately explain the chosen sentence to allow for meaningful appellate review”). Failing to adequately explain the reasons for a sentence as required by § 3553(c) “warrants reversal under plain error review only when the district court’s reasoning is unclear on the face of the record.” *Steiger*, 99 F.4th at 1325. If “[a]

reasonable person familiar with the sentencing record would understand” the reasons for the above-guidelines sentence, the defendant cannot meet his burden to establish plain error. *Id.* at 1326.

In attacking the procedural reasonableness of his sentence Braxton contends that the district court plainly erred by failing to adequately explain the sentence it imposed. He argues that the court’s references to a “pattern of illegal gun possession as a convicted felon” and a “fairly regular and continuous history of criminal conduct” did not approach the level of specificity required to explain the basis for its chosen sentence and that the court made no statements showing how it considered the parties’ arguments or why it rejected them. We are not persuaded. The record persuades us of the contrary.

During the sentence hearing, the district court stated it had reviewed “the full sentencing record.” The record included the parties’ arguments, along with their joint recommendation of 30 months imprisonment, and the PSR, which reflected Braxton’s juvenile and adult offenses and included multiple offenses related to the illegal possession of firearms.

And the government pointed out the details of the crime, including that as a convicted felon Braxton possessed “a semiautomatic rifle with 29 rounds in a magazine, as well as a round in the chamber.” The offense happened “late at night, and it was dark and it was in a crowded parking lot,” which presented “a significant danger to those around him, as well as to the greater community.

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The government also pointed out that Braxton had received only “one day in jail” for his prior firearms offenses.

The court listened as counsel for Braxton pointed out his young age, noted that he had significant family support, and mentioned his mental health issues. Counsel agreed with the government that Braxton had “never been ordered to serve a significant prison sentence before” and expressed hope that a 30-month sentence “will be the wake-up call so that he does not put himself in front of another judge for sentencing in the future.”

The court explained that despite “the parties’ joint recommendation,” it didn’t “believe in this case” that 30 months would “properly serve[] the 3553(a) factors.” That was because in Braxton’s criminal history the court saw “a pattern of illegal gun possession as a convicted felon; a fairly regular and continuous history of criminal conduct starting at a young age and continuing to the present; and also a record of criminality that is escalating and both widening in diversity.” The court specifically noted Braxton’s adult criminal convictions reflected in the PSR, one of which included “unemployment compensation fraud which is on top of the pattern of illegal gun possession.” The court concluded that a “significant sentence [was] warranted to adequately deter [Braxton] specifically from continuing to engage in criminal offenses, and also to reflect the seriousness of [his] instant offense[.]”

A “reasonable person familiar with” the record during Braxton’s sentence hearing “would understand” the reasons for the district court’s imposition of an upward variance. *Id.* at 1326. Because

the court adequately explained its reasoning for imposing an eight-month upward variance based on Braxton's criminal history, the need to deter future criminal conduct, and the seriousness of the offense, it did not commit any procedural error, plain or otherwise. *See id.* at 1321.

B.

Braxton also contends that the district court "committed a clear error of judgment" in balancing the § 3553(a) factors before imposing the sentence. He contends that the court failed to give due consideration to his youth, the fact that he has "never served a prison sentence before, . . . his mental health issues, and [that] it failed to give sufficient weight to the guideline range." Because of that, he argues that his sentence is substantively unreasonable.

Braxton bears the burden of establishing that his sentence is unreasonable based on the facts of the case and the § 3553(a) factors. *See United States v. Tome*, 611 F.3d 1371, 1378 (11th Cir. 2010). We will vacate a sentence as substantively unreasonable only if the district court committed clear error in weighing and applying the factors. *Boone*, 97 F.4th at 1342. That may happen if the "court fails to consider relevant factors, gives significant weight to an improper or irrelevant factor, or weighs the factors unreasonably." *Id.*

The § 3553(a) factors, however, don't have to be given equal weight. *United States v. Rosales-Bruno*, 789 F.3d 1249, 1254 (11th Cir. 2015). How much weight to give a factor is within "the sound discretion of the district court." *Id.* (quotation marks omitted). A defendant's disagreement with the weight the district court gives to

mitigating factors does not make a sentence unreasonable. *See United States v. Lebowitz*, 676 F.3d 1000, 1016–17 (11th Cir. 2012). Nor does the failure to discuss the circumstances that the defendant presents as mitigating. *See United States v. Amedeo*, 487 F.3d 823, 833 (11th Cir. 2007).

A sentence above the applicable guidelines range is also not presumptively unreasonable. *See Rosales-Bruno*, 789 F.3d at 1254 (“[T]he advisory guidelines range is but one of many considerations that a court must take into account in exercising its sentencing discretion.”). We show substantial deference to the district court on the question of whether the § 3553(a) factors justify a sentence above the guidelines range, and if so, how much above it. *United States v. Butler*, 39 F.4th 1349, 1355 (11th Cir. 2022) (“[W]e will not substitute our own judgment for that of the sentencing court and we will affirm a sentence so long as the court’s decision was in the ballpark of permissible outcomes.”) (quotation marks omitted).

Braxton’s sentence is substantively reasonable, and he didn’t carry his burden to show otherwise. After properly considering the § 3553(a) factors, it was within the court’s discretion to assign more weight to Braxton’s criminal history, the need for deterrence, and the seriousness of his current offense when assessing whether there should be an upward variance. *See Butler*, 39 F.4th at 1355; *Rosales-Bruno*, 789 F.3d at 1254; *see also United States v. Riley*, 995 F.3d 1272, 1279 (11th Cir. 2021) (“Some characteristics of criminal history are

especially significant: how bad a repeat offender a defendant is matters greatly for purposes of sentencing.”).

The fact that the court didn’t discuss Braxton’s mitigating circumstances or explicitly state why it rejected his arguments about his personal history doesn’t mean it didn’t consider them. *See Amedeo*, 487 F.3d at 833. The court acknowledged the parties’ arguments, stated it had considered them, the PSR, the advisory guidelines, and the § 3553(a) factors, and in light of all that, it found that 45 months imprisonment was “reasonable and appropriate and not greater than necessary to serve th[e] statutory factors.” *See* 18 U.S.C. § 3553(a) (“The court shall impose a sentence sufficient, but not greater than necessary.”); *see also United States v. Oudomsine*, 57 F.4th 1262, 1266–67 (11th Cir. 2023) (explaining that district courts have “considerable discretion in deciding whether the § 3553(a) factors justify a variance” and that “we must give due deference to the district court’s decision that the § 3553(a) factors support its chosen sentence”) (quotation marks omitted).

In weighing the § 3553(a) factors, the court was “permitted to attach great weight” to any factor, including Braxton’s criminal history, the need for deterrence, and the seriousness of his current offense, when it imposed the upward variance. *United States v. Shaw*, 560 F.3d 1230, 1237 (11th Cir. 2009) (quotation marks omitted).

Not only that, but Braxton’s 45-month sentence is 135 months (more than 11 years) below the statutory maximum sen-

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tence of 180 months (15 years). That “is a strong indication of reasonableness.” *Oudomsine*, 57 F.4th at 1268; *Riley*, 995 F.3d at 1280. The district court did not abuse its discretion in any respect.

AFFIRMED.