

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-12191
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

WAYNE LAMAR DAVIS,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:24-cr-00183-SDM-AAS-1

Before NEWSOM, ABUDU, and ANDERSON, Circuit Judges.

PER CURIAM:

Wayne Davis appeals from his conviction and sentence for possession of ammunition by a convicted felon, in violation of 18

U.S.C. §§ 922(g)(1) and 924(c). He argues that § 922(g)(1) is unconstitutional as applied to him, in light of the Supreme Court’s decision in *New York State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022). He also argues that his 210-month sentence is substantively unreasonable because the district court failed to properly weigh the 18 U.S.C. § 3553(a) factors.

His first argument fails because neither *Bruen* nor *United States v. Rahimi*, 602 U.S. 680 (2024), “abrogate[d] our holding in” *United States v. Rozier*, 598 F.3d 768 (11th Cir. 2010), “that section 922(g)(1) is constitutional under the Second Amendment.” *United States v. Dubois*, 139 F.4th 887, 889 (11th Cir. 2025).¹

His second argument fails because the district court did not abuse its discretion by imposing this within-guidelines sentence.² When determining the substantive reasonableness of a sentence we look to “the totality of the circumstances.” *United States v. Pugh*, 515 F.3d 1179, 1191 (11th Cir. 2008) (quoting *Gall*, 552 U.S. at 51). We ordinarily expect that a sentence within the guidelines range is a reasonable one. *United States v. Dorsey*, 554 F.3d 958, 962 (11th Cir. 2009). Although district courts are required to consider all the factors enumerated in § 3553(a), they need not weigh all factors equally. *United States v. Grushko*, 50 F.4th 1, 19 (11th Cir. 2022). A

¹ We review the constitutionality of a statute de novo. *United States v. Gruezo*, 66 F.4th 1284, 1292 (11th Cir. 2023).

² We generally apply “the familiar abuse-of-discretion standard” when reviewing the substantive reasonableness of a sentence. *Gall v. United States*, 552 U.S. 38, 46 (2007).

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court “may give greater weight to some factors over others or even attach great weight to a single factor—a decision that is within its sound discretion.” *Id.* Further, a “district court does not need to discuss or state each factor explicitly.” *United States v. Gonzalez*, 550 F.3d 1319, 1324 (11th Cir. 2008).

Here, the district court properly weighed the sentencing factors to arrive at its within-guidelines sentence. Davis had a loaded gun and narcotics in his vehicle, resisted arrest, physically assaulted an officer, and fled with the loaded firearm through an elementary school parking lot and residential neighborhood. Considering all that alongside Davis’s extensive criminal history—including, among other offenses, resisting arrest, robbery with a deadly weapon, and conspiracy to possess with intent to distribute cocaine—the district court did not abuse its discretion in weighing the aggravators more heavily than Davis’s mitigating evidence, such as his age, the age of his prior convictions, and his letters of support.

AFFIRMED.