

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-12430
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DAVID DE LEON-COLON,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 6:18-cr-00078-CEM-UAM-1

Before JORDAN, ABUDU, and ANDERSON, Circuit Judges.

PER CURIAM:

In 2009, David de Leon Colon pled guilty to possession with intent to distribute a controlled substance near a protected area and was sentenced to 121 months' imprisonment followed by eight

years of supervised release. *See* D.E. 2-2. Mr. de Leon Colon served his sentence and then began his term of supervised release. *See* D.E. 1. His supervised release, however, was revoked shortly thereafter because he failed several drug tests. *See* D.E. 22. The district court imposed a sentence of time-served and an additional five years of supervised release for this violation. *See id.*

Mr. de Leon Colon was arrested again in 2022 by state officials for selling cocaine and fentanyl and was subsequently convicted of a narcotics offense. *See* D.E. 67 at 7–8. The United State Probation Office notified the district court of Mr. de Leon Colon’s state conviction, which was yet another violation of the terms of his supervised release. *See id.* For this violation, the court sentenced Mr. de Leon Colon to 30 months’ imprisonment to run consecutively to his state sentence. *See* D.E. 68 at 10–11. He now appeals his sentence as procedurally flawed and substantively unreasonable.

I

In 2009, Mr. de Leon Colon was arrested for conspiring to possess with intent to distribute at least thirty-five but less than fifty grams of cocaine base within 1,000 feet of a protected area. *See* D.E. 22. He pled guilty to that charge and was sentenced to 121 months’ imprisonment followed by eight years of supervised release. *See id.*

That was eventually reduced to 100 months’ imprisonment based on a sentence reduction motion, and Mr. de Leon Colon was released from prison in August of 2016. *See* App. D.E. 15 at 9, 33.

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Mr. de Leon Colon's supervised release was revoked shortly thereafter because he failed several drug tests. *See id.* at 22. The district court sentenced him to a term of time-served and ordered an additional five years of supervised release. *See id.* at 4.

Mr. de Leon Colon was identified by state investigators as a potential member of a drug trafficking organization in 2021. *See App. D.E. 15 at 8.* While under surveillance, he was stopped for a traffic violation, and officers recovered fentanyl, cocaine, and drug distribution paraphernalia. *See id.* Mr. de Leon Colon pleaded no contest to a state charge of trafficking 14 grams or more of fentanyl and was sentenced to five years' imprisonment. *See D.E. 67 at 7.*

After learning of Mr. de Leon Colon's conviction, the district court held a revocation hearing. Mr. de Leon Colon admitted that he violated the terms of his supervised release. *See id.* But he asked that the court bifurcate the revocation hearing and sentence him at a later date because he wanted to provide it with mitigation evidence that would support his requested sentence. *See D.E. 67 at 4–5, 10–12.* The court agreed to bifurcate the hearing.

Mr. de Leon Colon submitted mitigation materials which included character letters, medical records, and a summary of his completion of an outpatient drug treatment program to the district court. *See D.E. 59.* The medical records detailed how Mr. de Leon Colon had been diagnosed with Hepatitis C, the highest or most severe stage of hepatic fibrosis, and chronic kidney disease indicating severely decreased kidney function. *See id.* at 15–27.

The district court then convened another revocation hearing for sentencing purposes. *See generally* D.E. 68. The court began by noting that it had read and considered the parties' filings but asked if Mr. de Leon Colon wanted to present additional mitigating evidence. *See id.* at 4. He declined but requested that the court impose a 30-month sentence to run concurrently with his state sentence. *See id.* at 4–5. He acknowledged the “default” rule that a term of imprisonment for a supervised-release violation typically runs consecutively to any term of imprisonment currently being served. *See* D.E. 67 at 11. But he argued that his illness would be treated “far better” by the Federal Bureau of Prisons than by the Florida Department of Corrections, and that proper medical treatment would place him in a better position to start again in society on a new term of supervised release. *See* D.E. 68 at 6.

The government recommended a 24-month sentence to run consecutively to the state sentence followed by an additional two years of supervised release. *See id.* at 7. The government argued that Mr. de Leon Colon had already been afforded substantial relief by the state because the mandatory minimum for his drug-trafficking offense was 15 years and he had been sentenced to five years' imprisonment. *See id.* The government also argued that the quantity of the drugs he possessed, along with their deadliness, while on supervised release rendered his violation especially troubling. *See id.* at 7–8. The government closed by highlighting that Mr. de Leon Colon's violations had been escalating in severity over time. *See id.* at 9.

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After hearing the parties' sentencing requests, the district court then provided its advisory guidelines calculation. The court said that Mr. de Leon's Colon's violation was of the highest grade—a grade "A" violation. *See id.* at 9. The court then noted that his original criminal history fell into category IV, which called for a guidelines range of 24 to 30 months' imprisonment. *See id.*

Before imposing its sentence, the district court explained its reasoning. The court said, in relevant part, the following:

[Mr. de Leon Colon] had a previous violation, and the violations look like you had a drug problem, and because of that, [] on August 30th, 2018, on the judgment of revocation, you were sentenced to five years of supervision and time served. So we're in a different place now. You're not a drug [user]—although I do believe you're dependent on drugs, you're a drug dealer, and the stuff you are dealing is incredibly dangerous, and it's killing a lot of people. So you're in a different situation now.

Id. at 10.

The district court also stated that it had considered the factors set forth in 18 U.S.C. § 3553(a), the Sentencing Guidelines, and the Sentencing Commission's policy statements in imposing its sentence. *See id.* at 12. The court ultimately sentenced Mr. de Leon Colon to a within-guidelines sentence of 30 months' imprisonment to run consecutively to his state conviction followed by two years of supervised release. *See id.* at 10–11. Neither party made further objections to the sentence. *See id.* at 12.

Mr. de Leon Colon now appeals the sentence as procedurally flawed and substantively unreasonable. After a review of the record and the parties' briefs, we affirm.

II

"We normally review a claim of procedural error in a sentence for abuse of discretion; if the defendant did not object to an alleged error at the sentencing hearing, however, we review only for plain error." *United States v. Hamilton*, 168 F.4th 1354, 1367 (11th Cir. 2026). "To establish plain error, the defendant must show (1) an error, (2) that is plain, and (3) that affected his substantial rights. If the defendant satisfies these conditions, we may exercise our discretion to recognize the error only if it seriously affects the fairness, integrity, or public reputation of judicial proceedings." *See id.* at 1365.

We review challenges to the substantive reasonableness of a sentence imposed upon revocation of supervised release under a deferential abuse of discretion standard. *See United States v. King*, 57 F.4th 1334, 1337 (11th Cir. 2023). We do not substitute our judgment for that of the district court but instead only review to see if its decision was within the range of permissible outcomes. *See United States v. Sotelo*, 130 F.4th 1229, 1245 (11th Cir. 2025).

III

Mr. de Leon Colon makes two arguments on appeal. First, he argues that the district court committed plain error by failing to adequately explain the basis for its sentence. *See Appellant's Br.* at

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7. Second, he contends that the sentence was substantively unreasonable because the court failed to consider his history and characteristics, mitigation evidence, and arbitrarily chose his sentence. *See id.* at 7–8. For the reasons that follow, we disagree.

A

The sentencing court has an obligation under § 3553(c) to “adequately explain the chosen sentence to allow for meaningful appellate review.” *United States v. Steiger*, 99 F.4th 1316, 1321 (11th Cir. 2024) (en banc) (citation omitted). The necessary degree of explanation depends on the circumstances of the case; sentences within the guideline range sometimes require little explanation and major variances or departures from the range require more significant explanation. *See id.* “[W]hen a judge decides simply to apply the [g]uidelines to a particular case, doing so will not necessarily require lengthy explanation.” *Rita v. United States*, 551 U.S. 338, 356 (2007).

A district court need not explicitly state that it has considered every § 3553(a) factor or discuss each one at length. *See United States v. Hamilton*, 66 F.4th 1267, 1274–75 (11th Cir. 2023). “A district court’s explanation of a sentence may be brief and may derive substance from the context of the record, the defendant’s history and characteristics, and the parties’ arguments.” *Id.* at 1275. A court need only “set forth enough information to satisfy the reviewing court of the fact that it has considered the parties’ arguments and has a reasoned basis for making its decision.” *United States v. Kuhlman*, 711 F.3d 1321, 1326 (11th Cir. 2013).

Federal courts generally have discretion “to select whether the sentences they impose will run concurrently or consecutively with respect to other sentences that they impose, or that have been imposed in other proceedings, including state proceedings.” *Setser v. United States*, 566 U.S. 231, 236 (2012). The Sentencing Guidelines provide that “[a]ny term of imprisonment imposed upon the revocation of probation or supervised release shall be ordered to be served consecutively to any sentence of imprisonment that the defendant is serving” U.S.S.G. § 7B1.3(f) (2024).¹

When imposing Mr. de Leon Colon’s sentence, the district court expressly stated that it had considered the guidelines, the § 3553(a) factors, and the parties’ arguments. *See* D.E. 68 at 10–12. The court also provided an explanation for its sentence by citing Mr. de Leon Colon’s previous probation violation, the escalation in the severity of his conduct, and the danger that his conduct posed to society. *See id.* at 10. The court therefore did not plainly err by inadequately explaining the basis for its sentence.

¹ Mr. de Leon Colon was sentenced on July 1, 2025. *See* D.E. 68. The relevant guideline, § 7B1.3, was subsequently amended on November 1, 2025. *See* U.S.S.G. § 7B1.3(f) (Nov. 2025) (“Any term of imprisonment imposed upon the revocation of probation shall be ordered to be served consecutively to any sentence of imprisonment that the defendant is serving”). We apply the version in effect at the time of Mr. de Leon Colon’s sentencing. *See* U.S.S.G. § 1B1.11(a) (“The court shall use the Guidelines Manual in effect on the date that the defendant is sentenced.”).

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B

Mr. de Leon Colon also challenges his sentence as substantively unreasonable. He claims that the district court failed to consider his history and characteristics, mitigation evidence, and arbitrarily chose his sentence.

A sentence is substantively unreasonable when it “(1) fails to afford consideration to relevant factors that were due significant weight, (2) gives significant weight to an improper or irrelevant factor, or (3) commits a clear error of judgment in considering the proper factors.” *United States v. Irey*, 612 F.3d 1160, 1189 (11th Cir. 2010) (en banc) (quotation omitted). As noted, the district court need not mention each factor explicitly at the sentencing hearing and may merely acknowledge that it has considered the § 3553(a) factors. *See United States v. Scott*, 426 F.3d 1324, 1329 (11th Cir. 2005), *abrogated on other grounds by Rita v. United States*, 551 U.S. 338 (2007).

The district court noted that it had considered Mr. de Leon Colon’s filings, his counsel’s arguments, the relevant § 3553(a) factors, and provided an explanation for its sentence. The basis of that explanation was that Mr. de Leon Colon’s conduct had escalated from drug user to drug dealer and that the drugs that he was dealing were particularly lethal. *See* D.E. 68 at 10–12.

The court did not need to specifically mention Mr. de Leon Colon’s mitigation evidence because it had acknowledged that it considered the parties’ arguments, filings, and the § 3553(a) factors. *See United States v. Butler*, 39 F.4th 1349, 1355, 1356 (11th Cir. 2022)

(concluding that “[a] district court’s failure to discuss mitigating evidence does not indicate that the court ‘erroneously ignored or failed to consider th[e] evidence’” and that a “district court’s acknowledgment that it has considered the § 3553(a) factors and the parties’ arguments is sufficient.”). Moreover, the sentence that the court imposed was within the advisory guidelines range and below the statutory maximum. *See United States v. Castaneda*, 997 F.3d 1318, 1332 (11th Cir. 2021) (noting that a guidelines sentence below the maximum sentence allowable is normally expected to be reasonable). This is sufficient to satisfy us that the court imposed a substantively reasonable sentence.

IV

Mr. de Leon Colon’s sentence is affirmed.

AFFIRMED.