NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-13246
Non-Argument Calendar

UNITED STATES OF AMERICA, ex rel.,
RUTH COLLINS,
Relator,

Plaintiffs-Appellees,

versus

SHELITHA RENEE ROBERTSON,

Defendant-Appellant,

JACQUELYN WHITE, et al.,

Defendants.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:22-cv-02634-SDG

Before ROSENBAUM, JILL PRYOR, and BRANCH, Circuit Judges.

PER CURIAM:

This is a False Claims Act ("FCA") case arising from the Paycheck Protection Program ("PPP"), a COVID-era relief program designed to help businesses keep employees on payroll. In 2022, Relator Ruth Collins filed a complaint under the FCA alleging that Shelitha Robertson fraudulently obtained more than $5 million in PPP loans, which were guaranteed by the Small Business Administration ("SBA"), for three businesses that she owned—Atlanta Custom Motors, LLC, Mo Griggs Contracting, Inc., and Tritan, Inc.—based on false representations about these businesses.

Robertson was subsequently indicted for and convicted of wire fraud, conspiracy to commit wire fraud, and money laundering based on this activity and other similar activity. She was sentenced to 87 months in prison and ordered to pay $4,425,002.23 in restitution.[1] The FCA case was stayed pending the resolution of the criminal case.

After Robertson's sentencing, Collins moved for summary judgment, arguing that Robertson, based on her criminal convictions, was estopped from denying liability for the FCA violations alleged in the complaint. *See* 31 U.S.C. § 3731(e). The district court agreed and granted the motion. The court imposed $42,924 in civil penalties—$14,308 for each of the three violations alleged in the complaint—and $318,370.74 in trebled damages, for a total of

[1] We recently affirmed Roberton's convictions and sentence. *See United States v. Robertson*, No. 24-12557, 2026 WL 1625189 (June 5, 2026).

$361,294.74, and entered judgment for the United States. Robertson appeals.[2]

I.

Robertson first argues that the district court's summary-judgment order was deficient because the court failed "to make an express finding that there were no genuine issues as to any material fact on Collins' motion for summary judgment." But her gripe on this point is largely formal, not substantive, and provides no basis for reversal.

We ordinarily review the grant of summary judgment de novo, applying the same standards as the district court. *Strickland v. Norfolk S. Ry. Co.*, 692 F.3d 1151, 1154 (11th Cir. 2012). Summary judgment is appropriate when, viewing the evidence and drawing all reasonable factual inferences in favor of the nonmoving party, there are no genuine issues of material fact and the movant is entitled to judgment as a matter of law. *Id.*

District-court "orders should contain sufficient explanations of their rulings so as to provide this Court with an opportunity to engage in meaningful appellate review." *Danley v. Allen*, 480 F.3d

---

[2] We asked the parties to brief a question about our jurisdiction and the finality of proceedings in the district court, relating to whether a joint stipulation of dismissal under Fed. R. Civ. P. 41(a)(1)(A)(ii), dated April 21, 2025, was effective to dismiss the claims against all defendants other than Robertson without prejudice. After careful review of the record and the parties' responses, we conclude that the stipulation was effective and that we have jurisdiction.

1090, 1091 (11th Cir. 2007). Thus, as Robertson notes, "we are authorized to set aside a [d]istrict [c]ourt's grant of summary judgment when its order is opaque and unilluminating as to either the relevant facts or the law with respect to the merits of appellants' claim." *Boazman v. Econ. Lab., Inc.*, 537 F.2d 210, 213 n.5 (5th Cir. 1976) (quotation marks omitted).[3]

The FCA provides in relevant part that "a final judgment rendered in favor of the United States in any criminal proceeding charging fraud or false statements[] . . . shall estop the defendant from denying the essential elements of the offense in any action which involves the same transaction as in the criminal proceeding." 31 U.S.C. § 3731(e).

Here, the district court's reasons for granting summary judgment are apparent from the record, if not the court's order itself. The court granted summary judgment against Robertson after concluding that she was estopped from denying liability under the FCA's estoppel provision, § 3731(e), "with regard to the fraudulent PPP loan applications for Tritan, Mo Griggs, and ACM," which were the only loan applications raised in the complaint. In other words, the court determined that, based on the criminal judgment and § 3731(e), there were no genuine issues of material fact as to Robertson's FCA liability for those loans.

---

[3] This Court adopted as binding precedent all Fifth Circuit decisions issued before October 1, 1981. *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981) (*en banc*).

Robertson acknowledges that the district court "presumably rel[ied] upon Robertson's being estopped from contesting liability" to grant summary judgment. She also appears to concede that she "was estopped from challenging liability as to the claims below by the estoppel provision of the False Claims Act, . . . 31 U.S.C. § 3731(e), based upon her convictions in a related criminal action." Plus, as the court noted in its order, "defense counsel conceded at oral argument that Collins's allegations are sufficiently related to Robertson's criminal conviction for § 3731's estoppel provision to apply." Our opinion in the criminal case likewise makes clear that the fraudulent PPP loan applications for ACM, Mo Griggs, and Tritan were covered by the criminal case. *See Robertson*, 2026 WL 1625189, *2. And Robertson's initial brief does not identify any material fact that is or can be genuinely disputed, notwithstanding the application of § 3731(e). So it's not clear what more Robertson wants from the district court, or what the purpose of remand would be.

Although Robertson's reply brief makes additional arguments that her "criminal convictions did not establish all of the essential elements of [the] FCA claims," that damages were disputed and should have been submitted to a jury, and that she was denied discovery regarding Collins, these arguments "come too late." *See Sapuppo v Allstate Floridian Ins. Co.*, 739 F.3d 678, 683 (11th Cir. 2014). Because her initial brief fails to contest the application of § 3731(e), to identify any material fact that remains in dispute despite the application of that provision, or to challenge discovery or the calculation of damages, we conclude that any argument along those lines has been abandoned. *See id.* at 681 ("We have long held that an appellant abandons a claim when he either makes only passing references to it or raises it in a perfunctory manner without supporting arguments and authority."). "[I]t follows that the judgment is due to be affirmed." *Id.* at 680.

II.

Robertson next argues that the district court's FCA monetary award is unconstitutionally excessive under the Eighth Amendment. The Eighth Amendment prohibits the imposition of "excessive fines." *United States v. Schwarzbaum*, 127 F.4th 259, 268 (11th Cir. 2025). FCA monetary awards are "fines" within the purview of the Excessive Fines Clause, even when, as here, the United States decides not to intervene. *Yates v. Pinellas Hematology & Oncology, P.A.*, 21 F.4th 1288, 1308–09, 1314 (11th Cir. 2021). Whether an FCA monetary award violates the Excessive Fines Clause is a legal question we review de novo. *Id.* at 1306.

"The touchstone of the constitutional inquiry under the Excessive Fines Clause is the principle of proportionality[.]" *United States v. Bajakajian*, 524 U.S. 321, 334 (1998). "A fine violates the Excessive Fines Clause if it is grossly disproportional to the gravity of a defendant's offense." *Yates*, 21 F.4th at 1314 (quotation marks omitted).

We have identified several, non-exhaustive factors to guide this analysis, including "(i) whether the defendant is in the class of persons at whom the statute was principally directed; (ii) how the imposed penalties compare to other penalties authorized by the legislature; and (iii) the harm caused by the defendant." *Id.* Moreover, because Congress has the power to "distill the monetary value society places on harmful conduct," fines falling within the statutory range for a given offense receive a "strong presumption of constitutionality." *Id.* (quotation marks omitted).

The FCA states that any person who violates its provisions is liable to the United States for an inflation-adjusted civil penalty, "plus 3 times the amount of damages which the Government sustains because of the act of that person." 31 U.S.C. § 3729(a)(1). Robertson does not dispute that the civil-penalty range at the time of the court's decision was $14,308 to $28,619. *See* 28 C.F.R. § 85.5(a). These civil penalties must be assessed "per violation." *Yates*, 21 F.4th at 1315.

In this case, the district court applied "the current minimum civil penalty of $14,308" for each violation based on the three loans at issue, for a total penalty of $42,924. The court also found that the government sustained damages of $159,185.37 in processing fees paid in connection with the three PPP loans. The court excluded the face value of the loans because Robertson fully repaid each of the three loans before she was indicted. The court then trebled its damages figure, *see* 31 U.S.C. § 3729(a)(1), before subtracting the amount Robertson was ordered to pay with respect to these loans as part of her criminal restitution (also $159,185.37), for a total damages figure of $318,370.74, and a total award of $361.294.74.

Here, Robertson has not shown that the district court's FCA monetary award violated the Excessive Fines Clause. She does not dispute that the award was within the statutory range authorized by Congress. In fact, it appears to be the lowest possible sanction permitted by the FCA. So the award receives a "strong presumption of constitutionality," *Yates*, 21 F.4th at 1314, and Robertson has not rebutted that presumption.

"[B]y submitting fraudulent claims," Robertson "is squarely in the FCA's crosshairs." *Id.* at 1315. The award here also "compare[s] favorably to other penalties authorized by Congress." *Id.* As we noted in *Yates*, "[t]reble damages are authorized by Congress in other statutes." *Id.* And the statutory penalties here, imposed at the statutory minimum, "compare well to other statutory penalties." *See id.* (noting that "violations of the Anti-Kickback Act are subject to a $23,331 statutory penalty per violation").

What's more, the "harm caused by [Robertson] . . . is considerable." *Id.* at 1316. As we explained in *Yates*, "[f]raud harms the United States in ways untethered to the value of any ultimate payment." *Id.* Fraud not only "causes a diminution of the public's confidence in the government," but also "imposes costs on the United States in the form of the expense of the constant Treasury vigil it necessitates." *Id.* (cleaned up). So substantial penalties may be warranted "to deter potential fraudsters" even absent significant harm to the government. *Id.* In *Yates*, for example, we held that an FCA award of $1.179 million based on $755.54 in actual damages did not violate the Excessive Fines Clause. *Id.* at 1314–16. And here, the bulk of the award against Robertson was tied directly to the harm her conduct caused the government. In sum, Robertson has not established that the award of $361,294.74 was grossly disproportionate to the gravity of her offenses. *See id.* at 1314.

Perhaps recognizing that the FCA monetary award alone was not excessive, Robertson says we should aggregate that award with the restitution imposed in her criminal case and review the total amount. But she cites no supporting authority for that view.[4] And her argument is based on a faulty factual premise, in any case.

Robertson incorrectly states that she was "found liable for approximately $4,786,296.97 based on the three loans which were the subject of the FCA action." The restitution figure of $4,425,002.23, however, covered a total of nine loans, several of which were not repaid. The three loans at issue here accounted for just $159,185.37 of the total restitution, and the court reduced the trebled damages award in this case by that same amount. In short, there is little to no overlap between the restitution amount and the FCA award here. So we see no grounds to look beyond the FCA monetary award in assessing its validity under the Excessive Fines Clause.

---

[4] Robertson cites language from a Fourth Circuit opinion about "cumulative" penalties under the FCA, but there's no indication that the court combined the restitution amount when assessing whether the FCA award was excessive. *U.S. ex rel. Bunk v. Gosselin World Wide Moving, N.V.*, 741 F.3d 390, 401, 408 (4th Cir. 2013). Rather, the court cited the "cumulative penalty"—that is, statutory penalties and damages—imposed under the FCA. *Id.*

In sum, and for the foregoing reasons, we affirm the judgment of the district court.

AFFIRMED.