

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-13957
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SALIM MOHAMED YEHYA ALSAHQANI,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Alabama
D.C. Docket No. 2:25-cr-00018-JB-1

Before ROSENBAUM, BLACK, and WILSON, Circuit Judges.

PER CURIAM:

Salim Alsaqhani challenges the procedural and substantive reasonableness of his 60-month sentence for conspiracy to commit international money laundering, a 48-month upward variance

from his Guidelines imprisonment range. He asserts the district court procedurally erred by relying on clearly erroneous facts, improperly considering the nature and circumstances surrounding his offense, and failing to adequately explain its sentence. He also contends his sentence was substantively unreasonable because the court relied on improper or irrelevant factors and provided little justification for its substantial variance. After review,¹ we affirm.

A. Procedural Reasonableness

A sentence is procedurally unreasonable when the district court fails to consider the 18 U.S.C. § 3553(a) factors. *Gall v. United States*, 552 U.S. 38, 51 (2007). The relevant § 3553(a) factors include the nature and circumstances of the offense; the history and characteristics of the defendant; the applicable Guidelines range; the need for the sentence to reflect the seriousness of the offense, protect the public, and deter the defendant; and the need to avoid unwarranted sentencing disparities. 18 U.S.C. § 3553(a); *see Gall*, 552 U.S. at 50 n.6. While a district court must consider the § 3553(a) factors in determining a sentence, it is not required to state in its explanation that it has evaluated each factor individually. *United States v. Ortiz-Delgado*, 451 F.3d 752, 758 (11th Cir. 2006). We have found the district court sufficiently considered the factors and the

¹ The parties dispute whether abuse of discretion or plain error review applies. We need not resolve this dispute because Alsahqani's claims fail even under the higher standard of review—abuse of discretion. *See Gall v. United States*, 552 U.S. 38, 41 (2007) (stating we review the reasonableness of a sentence for abuse of discretion).

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parties' arguments where the record reflected that the court heard the defendant's mitigating argument, and the court stated that it considered the § 3553(a) factors. *United States v. Turner*, 474 F.3d 1265, 1281 (11th Cir. 2007). The district court must set forth a sufficient explanation to satisfy us that it has "considered the parties' arguments and has a reasoned basis" for its sentencing decision. *Rita v. United States*, 551 U.S. 338, 356 (2007). But the court is under no duty to explain the sentence in "great detail." *United States v. Irey*, 612 F.3d 1160, 1195 (11th Cir. 2010) (en banc).

A district court imposes a procedurally unreasonable sentence where it bases the sentence on clearly erroneous facts. *Gall*, 552 U.S. at 51. A factual finding is "clearly erroneous if the record lacks substantial evidence to support it." *United States v. Robertson*, 493 F.3d 1322, 1335 (11th Cir. 2007) (quotation marks omitted). Factual findings "must be based on reliable and specific evidence and cannot be based on speculation." *United States v. Newman*, 614 F.3d 1232, 1238 (11th Cir. 2010). Another example of a procedurally unreasonable sentence is where the court fails to adequately explain its chosen sentence. *Gall*, 552 U.S. at 51. The district court must "state in open court the reasons for its imposition of the particular sentence" that it selects. 18 U.S.C. § 3553(c). If a court selects a sentence outside of the Guidelines range, it must describe the reason for its variance with specificity and include this reason in a statement of reasons form issued under 28 U.S.C. § 994. *Id.* § 3553(c)(2). "The primary reason Section 3553(c) requires an oral

and written statement is so that a defendant can meaningfully appeal the sentence.” *United States v. Steiger*, 99 F.4th 1316, 1325 (11th Cir. 2024).

Alsahqani has failed to show his sentence was procedurally unreasonable because the district court considered the nature and circumstances of the offense, did not rely on clearly erroneous facts, and adequately explained the sentence imposed. As to the factors the court considered, the court stated at the sentencing hearing that it considered “all the information that’s available to [it]”—including the PSI, sentencing memorandum, the § 3553(a) factors, and the Sentencing Guidelines—when making its sentencing determination. *See Gall*, 552 U.S. at 51. The court also relied on several specific § 3553(a) factors in explaining its sentence, including the nature and circumstances of the case, Alsahqani’s history and characteristics, the seriousness of the offense, and the need for general and specific deterrence. Additionally, because the district court adopted the sentence recommended by the Government and stated it found Alsahqani’s Guidelines range insufficient “essentially for the reasons that the United States argued in [its] submission,” rather than those recommended by Alsahqani or the probation officer, this shows the court adopted the arguments put forward by the Government as to its sentence recommendation, both at sentencing and in writing. *See Rita*, 551 U.S. at 356 (stating we may glean the district court’s reasoning based, in part, on the “context and the parties’ prior arguments”).

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Alsahqani also contends the court relied on clearly erroneous facts—namely, the Facebook Messenger communications related to firearm sales that were presented in the Government’s sentencing memorandum—but his argument fails. To the extent the court relied on the messages, Alsahqani has not established those facts were clearly erroneous where FBI agent Carvalho attested at the hearing to the veracity of the sentencing memorandum’s factual material. *Robertson*, 493 F.3d at 1335.

The district court also complied with the formal requirements for imposing its upward variance by providing its reasoning both at sentencing and in a separate statement of reasons. 18 U.S.C. § 3553(c)(2). Though Alsahqani broadly asserts the court failed to sufficiently justify its upward variance, the district court explained its upward variance both orally and in a written statement of reasons and was under no obligation to provide “great detail” as to its reasons for imposing the upward variance. *See Irey*, 612 F.3d at 1195; 18 U.S.C. § 3553(c)(2). Rather, the court needed to provide enough detail for this Court to apply meaningful appellate review. *See Steiger*, 99 F.4th at 1325. Because the record reflects the court considered the factors and the parties’ arguments and because the court provided several reasons both at sentencing and in its statement of reasons to justify the upward variance, the court adequately explained its sentence. *See id.*; *Turner*, 474 F.3d at 1281.

B. Substantive Reasonableness

In reviewing the substantive reasonableness of a sentence, we “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.” *United States v. Butler*, 39 F.4th 1349, 1355 (11th Cir. 2022) (quotation marks omitted). A district court abuses its discretion and imposes a substantively unreasonable sentence “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.” *Irey*, 612 F.3d at 1189 (quotation marks omitted).

An upward variance is substantively reasonable when the district court provides an explanation that is “compelling enough to support the degree of the variance.” *United States v. Early*, 686 F.3d 1219, 1221 (11th Cir. 2012). Thus, major variances require “a more significant justification.” *Irey*, 612 F.3d at 1196.

Alsahqani has not shown the district court abused its discretion by imposing a sentence of 60 months’ imprisonment, which was a 48-month upward variance. *United States v. Shabazz*, 887 F.3d 1204, 1224 (11th Cir. 2018) (stating the party challenging the sentence bears the burden of proving that it is unreasonable based on the facts of the case and the § 3553(a) factors). The sentence imposed was “in the ballpark of permissible outcomes” and was based on several § 3553(a) factors. *See Butler*, 39 F.4th at 1355. The court stated it considered the § 3553(a) factors and clarified that several

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§ 3553(a) factors influenced its decision to vary upward—the nature and circumstances of the case, Alsahqani’s history and characteristics, the need for general deterrence, and the inadequacy of the Guidelines range. Though Alsahqani provided argument in mitigation before the district court that he was responsible only for “a very small portion” of the \$15,000 in international transactions, the district court was at liberty to weigh the factors it identified more heavily than the mitigating argument he provided. *See Butler*, 39 F.4th at 1355 (stating the district court must consider all relevant § 3553(a) factors, but “the weight given to each factor is committed to the sound discretion of the district court,” which may greatly weigh one factor over the others). And though the upward variance determined by the court was significantly higher than the Guidelines range and the probation officer’s recommended sentence, the court explained its reason for varying upward so significantly. *See Early*, 686 F.3d at 1221; *Irey*, 612 F.3d at 1196.

Alsahqani has not established the court failed to afford proper consideration to a factor due significant weight, and even if Alsahqani made such an argument, this Court will not substitute its judgment for that of the district court where the sentence it imposed was within the range of permissible sentences. *See Irey*, 612 F.3d at 1189. Nor has Alsahqani shown the court considered an impermissible or irrelevant factor or committed a clear error of judgment in its consideration of the sentencing factors. *See id.* Additionally, though Alsahqani received an upward variance, his 60-month sentence was well below the statutory maximum of 240 months, which is another sign of reasonableness. *See United States*

v. Goldman, 953 F.3d 1213, 1222 (11th Cir. 2020) (explaining one indicator of reasonableness is whether the sentence falls well below the maximum penalty); *United States v. Gonzalez*, 550 F.3d 1319, 1324 (11th Cir. 2008) (determining an imprisonment sentence less than half the statutory maximum in an illegal reentry case to be well below the maximum).

AFFIRMED.