

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-13999
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

WILLIAM JACK FILING,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:24-cr-00463-VMC-AEP-1

Before NEWSOM, ABUDU, and ANDERSON, Circuit Judges.

PER CURIAM:

William Jack Filing appeals his 180-month sentence, a 30-month downward variance from the Sentencing Guidelines range,

arguing that the district court clearly erred in imposing an obstruction-of-justice enhancement under U.S.S.G. § 3C1.1 because the court failed to make independent factual findings to support the application of the enhancement. His argument is foreclosed by precedent, so we affirm.

When “a defendant objects to a sentence enhancement resulting from [his] trial testimony, a district court must review the evidence and make independent findings necessary to establish a willful impediment to or obstruction of justice, or an attempt to do the same.” *United States v. Dunnigan*, 507 U.S. 87, 95 (1993). If the government still seeks to apply the enhancement, “it has the burden of introducing sufficient and reliable evidence to prove the necessary facts by a preponderance of the evidence.” *United States v. Washington*, 714 F.3d 1358, 1361 (11th Cir. 2013) (citation modified). Once the district court has imposed an enhancement for obstruction of justice, we review “the district court’s factual findings for clear error and the application of the factual findings to the sentencing guidelines de novo.” *United States v. Guevara*, 894 F.3d 1301, 1311 (11th Cir. 2018) (citation modified).

Section 3C1.1 of the United States Sentencing Guidelines provides for a two-level enhancement in cases where

- (1) the defendant willfully obstructed or impeded, or attempted to obstruct or impede, the administration of justice with respect to the investigation, prosecution, or sentencing of the instant offense of conviction, and (2) the obstructive conduct related to (A) the

25-13999

Opinion of the Court

3

defendant's offense of conviction and any relevant conduct; or (B) a closely related offense.

U.S.S.G. § 3C1.1.

The text of § 3C1.1 includes “a clear mens rea requirement of *willfully* obstructing or attempting to obstruct the administration of justice.” *Guevara*, 894 F.3d at 1311 (citation modified). A defendant obstructs justice by committing perjury, which is “false testimony concerning a material matter with the willful intent to provide false testimony, rather than as a result of confusion, mistake, or faulty memory.” *United States v. Duperval*, 777 F.3d 1324, 1337 (11th Cir. 2015) (citation modified). We generally require “an explanation by the district court as to why it has applied the obstruction of justice enhancement” *Guevara*, 894 F.3d at 1311.

A district court can satisfy this requirement by making “a general finding of obstruction encompassing all the factual predicates of perjury.” *Duperval*, 777 F.3d at 1337 (citation modified). A district court need not make specific findings as to the conduct that amounted to obstruction where “it both adopts a presentence investigation report [PSI] that contains specific findings and the defendant fails to request that the court make more specific findings.” *United States v. Wayerski*, 624 F.3d 1342, 1352 (11th Cir. 2010). But “[c]lear factual findings are necessary to assess whether” a defendant's conduct amounts to obstruction. *United States v. Alpert*, 28 F.3d 1104, 1108 (11th Cir. 1994) (en banc). A sentencing court must do more than just adopt the PSI “and recite its agreement with the

arguments of the prosecutor and [its] recommendation.” *United States v. Banks*, 347 F.3d 1266, 1269 (11th Cir. 2003).

Here, the district court did not clearly err in finding that Filing committed perjury during his trial testimony and imposing the obstruction-of-justice enhancement on that basis. The district court made a general finding that Filing committed perjury by providing false testimony at trial. It also adopted the PSI, which contained specific findings to support the application of the enhancement. And beyond that, the court did not simply adopt the PSI without comment; it also explained that it was troubled by Filing’s dishonesty while testifying. Finally, the PSI contained specific findings to support the application of the enhancement, including the fact that Filing’s testimony contradicted Filing’s previous statements and those of a witness. We therefore affirm.

AFFIRMED.