

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-14434
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CRISTOFER RUBEN PECERO-RAMIREZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Alabama
D.C. Docket No. 2:25-cr-00173-LCB-NAD-1

Before NEWSOM, LUCK, and LAGOA, Circuit Judges.

PER CURIAM:

Cristofer Ruben Pecero-Ramirez appeals his sentence of 24 months' imprisonment for illegal reentry into the United States. Pecero-Ramirez received the statutory maximum sentence for this

offense, which was an upward variance from the guideline term of zero to six months. He argues on appeal that his sentence is both procedurally and substantively unreasonable. After careful review, we affirm.

I

Where a defendant objects to the district court’s explanation at his sentencing hearing, we review the procedural reasonableness of that sentence for abuse of discretion. *United States v. Oudomsine*, 57 F.4th 1262, 1264 (11th Cir. 2023). A sentencing court has an obligation under 18 U.S.C. § 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) (quoting *Gall v. United States*, 552 U.S. 38, 50 (2007)). The necessary degree of explanation depends on the circumstances of the case: Sentences within the guideline range can require little explanation, while major departures from the guideline tend to require more explanation. *Id.*

A district court need not explicitly state that it has considered every § 3553(a) factor or discuss each of them. *United States v. Hamilton*, 66 F.4th 1267, 1274–75 (11th Cir. 2023). Its “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. The court must “set forth [only] enough information to satisfy the reviewing court of the fact that it has considered the parties’ arguments and has a reasoned

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basis for making its decision.” *United States v. Kuhlman*, 711 F.3d 1321, 1326 (11th Cir. 2013).

If the district court varies from the recommended guideline range, it assumes an additional statutory obligation to “state in open court . . . the specific reason” for the variance. 18 U.S.C. § 3553(c)(2). We have found that a district court has adequately explained its upward variance when its reasoning is clear from the record of the sentencing hearing, even if the court did not fully articulate this reasoning during its summary statement at the hearing’s close. *See Hamilton*, 66 F.4th at 1275–76.

Here, the district court’s explanation was procedurally reasonable because it set forth sufficient information to demonstrate that it had considered the parties’ arguments and had a reasoned basis for its decision. When sentencing Pecero-Ramirez, the district court referenced the nature and circumstances of the offense, Pecero-Ramirez’s history and characteristics, the seriousness of his offense, the need to promote respect for the law and justly punish, and the need to adequately deter criminal conduct. Testimony presented at the sentencing hearing established that Pecero-Ramirez repeatedly had entered the United States after being removed and been arrested while in possession of controlled substances. The district court confirmed with the government that Pecero-Ramirez twice illegally reentered the United States after removal, illegally entering the country a total of four times. He had first illegally entered the country before voluntarily deporting. He then illegally re-entered and was forcibly removed, illegally re-entered yet again

and was forcibly removed, and finally illegally re-entered the country for a fourth time. This colloquy between the district court and the government sheds light on the court's decision to impose an above-guidelines sentence. The district court "set forth enough information to satisfy the reviewing court . . . that it has considered the parties' arguments and has a reasoned basis for making its decision." *Kuhlman*, 711 F.3d at 1326. Accordingly, we affirm the procedural reasonableness of Pecero-Ramirez's sentence.

II

Pecero-Ramirez also argues that his sentence was substantively unreasonable because the district court was unwarranted in imposing an upward variance and creating a disparity between his sentence and that of similarly situated defendants.

We review challenges to the substantive reasonableness of a sentence for an abuse of discretion. *United States v. Hamilton*, 168 F.4th 1354, 1367 (11th Cir. 2026). A sentencing court "abuse[s] its considerable discretion only if 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." *Id.* at 1369–70 (citation omitted). "[A] district court's acknowledgement that it has considered the § 3553(a) factors and the parties' arguments is sufficient." *United States v. Butler*, 39 F.4th 1349, 1356 (11th Cir. 2022). With respect to mitigation factors, a "record [that] reflects that the district court considered all the factors is enough." *United States v. Hayden*, 119 F.4th 832, 837 (11th Cir. 2024).

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When imposing an upward variance, the sentencing court must provide a justification “compelling enough to support the degree of the variance and complete enough to allow meaningful appellate review.” *United States v. Shaw*, 560 F.3d 1230, 1238 (11th Cir. 2009) (citation omitted). “An extraordinary justification” is not “required for a sentence outside the guidelines range.” *Id.* The reviewing court will reverse only if it is “left with the definite and firm conviction that the district court committed a clear error of judgment in weighing the § 3553(a) factors” *United States v. Johnson*, 803 F.3d 610, 618–19 (11th Cir. 2015) (citation omitted).

Here, Pecero-Ramirez’s sentence is substantively reasonable. When applying the § 3553(a) factors, the district court properly exercised its discretion to weigh Pecero-Ramirez’s history, his characteristics, and the need for deterrence more heavily than it weighed mitigation factors. The district court focused on Pecero-Ramirez’s history by confirming it with the government and asking clarifying questions regarding his track record of unlawfully entering the United States. The record also shows that the court heard testimony regarding Pecero-Ramirez’s flight from the scene during his apprehension, as well as the fact that he had been arrested multiple times on drug charges. The court did not abuse its discretion by finding his history and characteristics and the need for deterrence justified a higher sentence. *See* 18 U.S.C. § 3553(a)(1), (a)(2)(B); *see Shaw*, 560 F.3d at 1238.

Pecero-Ramirez also argues his sentence is substantively unreasonable because it is longer than that received by similarly situated defendants. The “[d]efendant bears the burden of showing that an unwarranted sentencing disparity renders his sentence substantively unreasonable.” *United States v. Johnson*, 980 F.3d 1364, 1386 (11th Cir. 2020). One factor that can justify an upward variance—and by logical extension a disparity in sentence—is “uncharged conduct as it relates to the history and characteristics of the defendant, as well as the need to promote respect for the law, afford adequate deterrence, and protect the public.” *Butler*, 39 F.4th at 1355.

The district court did not abuse its discretion when considering uncharged conduct to warrant a disparity in sentence between Pecero-Ramirez and defendants who had not repeatedly reentered the United States unlawfully and been arrested on drug charges. *See Butler*, 39 F.4th at 1355; *United States v. Azmat*, 805 F.3d 1018, 1048 (11th Cir. 2015).

Lastly, although the district court made no acknowledgment of Pecero-Ramirez’s argument that he was in the United States to escape cartel violence, it heard his argument at the hearing. The district court did not abuse its discretion by weighing that argument lightly. *See Hayden*, 119 F.4th at 837.

Accordingly, we affirm the substantive reasonableness of Pecero-Ramirez’s sentence as well.

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For the foregoing reasons, we **AFFIRM**.