

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 26-11318
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SHAWN HARTSFIELD,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Florida
D.C. Docket No. 5:24-cr-00034-MW-MJF-3

Before BRASHER, ABUDU, and ANDERSON, Circuit Judges.

PER CURIAM:

Shawn Hartsfield appeals her concurrent 36-month sentences for 1 count of conspiracy to distribute and possess with intent to distribute 50 grams or more of methamphetamine, 1 count

of possession with intent to distribute 5 grams or more of methamphetamine, and 3 counts of possession with intent to distribute 50 grams or more of methamphetamine, which was a downward departure from the statutory mandatory minimum. On appeal, she argues that our holding in *United States v. Perez*, 160 F.4th 1193 (11th Cir. 2025), *cert. denied*, 224 L. Ed. 2d 509 (Apr. 20, 2026), is contrary to congressional intent and asserts that 18 U.S.C. § 3553(e) allows a court to consider the § 3553(a) factors when issuing a sentence below the mandatory minimum. The government moves for summary affirmance, arguing that binding authority forecloses Hartsfield’s challenge.

Summary disposition is appropriate either where time is of the essence, such as “situations where important public policy issues are involved or those where rights delayed are rights denied,” or where “the position of one of the parties is clearly right as a matter of law so that there can be no substantial question as to the outcome of the case, or where . . . the appeal is frivolous.” *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).

We review the legality of a sentence *de novo*. *Perez*, 160 F.4th at 1195.

Upon a motion by the government, § 3553(e) allows a sentencing court to impose a sentence below the statutory mandatory minimum “to reflect a defendant’s substantial assistance in investigating or prosecuting another defendant.” *Id.* (quotation marks omitted); 18 U.S.C. § 3553(e). In *Perez*, we held that the plain text and structure of the statute, as well as our precedent, makes clear

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that “[t]he extent of any departure from a statutory minimum under section 3553(e) must be based only on substantial-assistance factors” and that “[d]istrict courts may not vary downward based on section 3553(a).” *Perez*, 160 F.4th at 1195-97.

We are bound to adhere to our prior panel precedent unless that precedent has been abrogated by this Court sitting en banc or by the Supreme Court. *United States v. White*, 837 F.3d 1225, 1228 (11th Cir. 2016). “To overrule or abrogate a prior panel’s decision, the subsequent Supreme Court or en banc decision must be clearly on point and must actually abrogate or directly conflict with, as opposed to merely weaken, the holding of the prior panel.” *United States v. Gillis*, 938 F.3d 1181, 1198 (11th Cir. 2019) (quotation marks omitted).

The government is clearly correct as a matter of law that our precedent in *Perez* squarely forecloses Hartsfield’s argument that § 3553(e) allows a court to consider the § 3553(a) factors when issuing a sentence below the mandatory minimum.

AFFIRMED.

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Abudu, J., Concurring

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ABUDU, Circuit Judge, Concurring:

Because we are bound by our prior-panel-precedent rule to apply *United States v. Perez*, 160 F.4th 1193 (11th Cir. 2025), here, we must affirm the district court’s decision. I write separately to reiterate that our precedent “create[s] a one-directional sentencing regime.” *Perez*, 160 F.4th at 1198, 1199 (Abudu, J., concurring) (“As a matter of public policy, and perhaps due process, a sentencing framework that allows wide discretion to increase one’s sentence while barring comparable discretion for downward departures warrants reevaluation.”), *cert. denied*, 224 L. Ed. 2d 509 (Apr. 20, 2026) (mem.); *see also* *United States v. Day*, 162 F.4th 1136, 1141 (11th Cir. 2025) (Kidd, J., concurring); *United States v. Kikumura*, 918 F.2d 1084, 1119 (3rd Cir. 1990) (Rosenn, J., concurring) (reasoning that a defendant’s due process rights may be violated by a sentencing scheme that “replace[s] judicial discretion over sentencing with prosecutorial discretion”).