

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 12-15909
Non-Argument Calendar

D.C. Docket No. 4:12-cr-00005-RH-CAS-2

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DARRYL VAUGHN,
a.k.a. Horsehead,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Florida

(August 20, 2013)

Before HULL, PRYOR and MARTIN, Circuit Judges.

PER CURIAM:

Darryl Vaughn appeals his mandatory sentence of life without parole, 21 U.S.C. § 841(b)(1)(A)(viii), following his guilty plea to one count of conspiracy to

possess with intent to distribute five kilograms or more of cocaine, id. §§ 841(a)(1), 846. Vaughn argues that his mandatory sentence violates the prohibition of cruel and unusual punishment under the Eighth Amendment, U.S. Const. amend. VIII, because it was imposed without considering mitigating evidence and is grossly disproportionate to his crime of conviction. We affirm.

The district court did not err. The Supreme Court has upheld the constitutionality of statutes that provide for mandatory sentences of life imprisonment without the possibility of parole for adult drug offenders. Harmelin v. Michigan, 501 U.S. 957, 111 S. Ct. 2680 (1991). And we have upheld the constitutionality of section 841(b)(1)(A) and other federal laws that provide for mandatory sentences. United States v. Hoffman, 710 F.3d 1228, 1232 (11th Cir. 2013); United States v. Lopez, 649 F.3d 1222, 1248 (11th Cir. 2011); United States v. Willis, 956 F.2d 248, 251 (11th Cir. 1992). “[O]utside the context of capital punishment, there have been few successful challenges to the proportionality of sentences” because we generally defer to “Congress’s broad authority to determine the types and limits of punishments for crimes.” United States v. McGarity, 669 F.3d 1218, 1256 (11th Cir. 2012) (quoting United States v. Johnson, 451 F.3d 1239, 1242–43 (11th Cir. 2006)). Vaughn’s mandatory sentence did not violate the Eighth Amendment.

AFFIRMED.