[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 19-14648
Non-Argument Calendar

D.C. Docket No. 1:19-cr-20123-RS-3

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DOUGLAS ALADIMIR MARIN AMAYA,

Defendant - Appellant.

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

(December 15, 2020)

Before WILSON, ROSENBAUM, and TJOFLAT, Circuit Judges.

PER CURIAM:

About 300 miles off the western coast of Mexico, the United States Coast Guard caught Douglas Aladimir[1] Marin Amaya ("Amaya") and two other men smuggling 2,200 kilograms of cocaine in a small fishing boat. Amaya was indicted in the Southern District of Florida for conspiracy to possess with intent to distribute and possession with intent to distribute cocaine on a vessel subject to United States jurisdiction. He pled guilty and was sentenced to 135 months' imprisonment—the bottom end of his sentencing guideline range. Amaya now appeals, arguing first that his sentence is procedurally unreasonable because he should have been granted a minor role reduction, and second that his sentence is substantively unreasonable in light of the shorter sentences imposed on his codefendants. We disagree on both points and accordingly affirm Amaya's sentence.

I.

On February 16, 2019, a Marine Patrol Aircraft patrolling the Eastern Pacific Ocean detected an open-style fishing boat dead in the water about 308 nautical miles southwest of Zihuantanejo, Mexico. The boat had two outboard engines and a tarp covering the deck. A Coast Guard Cutter in the area, the "STEADFAST," was diverted to investigate the fishing boat. The STEADFAST launched two

[1] Amaya was charged as "Douglas Aladimir Marin Amaya," but it appears his name is actually "Douglas *Vladimir* Marin Amaya."

small, rigid-hulled inflatable boats, Over the Horizon 1 and Over the Horizon 2, to intercept and investigate the fishing boat. While Marine Patrol Aircraft kept an eye on the fishing boat from the air, Over the Horizon 1 pulled alongside the vessel and gained control without the use of force.

After the first fishing boat was secured, Marine Patrol Aircraft spotted a second fishing boat approximately 30 nautical miles south of the first boat. The Marine Patrol Aircraft reported that the second boat was blue, approximately 20 feet long, and had three people on board. Although a tarp covered about three-quarters of the second boat's deck, Marine Patrol could see that there were fuel barrels on board. Over the Horizon 2 was diverted in an attempt to intercept the second boat. As Over the Horizon 2 approached, the second fishing boat fled north at 25 knots, and a chase ensued. When Over the Horizon 2 was approximately 1,000 yards away, the second fishing boat started to toss packages overboard.

The second fishing boat began to outrun Over the Horizon 2, so Over the Horizon 1 left two Coast Guard officers to maintain control of the first fishing boat and joined the pursuit of the second boat. Ultimately, the second fishing boat outran both Over the Horizon 1 and 2, and the Coast Guard called off the chase when the second boat was three nautical miles ahead. Over the Horizon 1 returned to the first fishing boat, and Over the Horizon 2 went to recover the packages the second boat had tossed overboard.

The Coast Guard conducted an inspection of the first fishing boat and found no flag, no registration documents, no registration numbers on the hull, no listed homeport, no name on the vessel, and no other indicia of nationality. There were, however, three men on board: Gaspar Isaul Huerta Estrada ("Estrada") and Carlos Antonio Duran Hernandez ("Hernandez")—both Mexican nationals—and Amaya—a Guatemalan national. Estrada identified himself as the master of the boat,[2] but he failed to make a claim of nationality for the vessel. Based on Estrada's failure to offer a claim of nationality for the boat, the Coast Guard determined that it had jurisdiction to conduct a search. The Coast Guard recovered 110 bales—approximately 2,200 kilograms—of cocaine from the first fishing boat, and another eight bales—approximately 360 kilograms—were recovered after being thrown overboard from the second boat. A chainsaw was also found on board the first fishing boat.

Estrada, Hernandez, and Amaya were brought to the Southern District of California where they were transferred into the custody of federal law enforcement officers.[3] At that time, the three men were advised of their *Miranda* rights, which each waived. Amaya was then interviewed by law enforcement officers. He stated

[2] The presentence investigation report indicates that Estrada was the "captain or navigator" of the boat, but that portion of the report was later stricken.

[3] A magistrate judge in the Southern District of California removed the case to the Southern District of Florida, where charges were already pending.

that he lived in Boca de Cielo, Mexico—a small fishing town—but that he immigrated from Guatemala. On February 8, 2019, while grocery shopping with his girlfriend,[4] Amaya was approached by a man known as "Funda" who claimed that he knew of someone recruiting people for a "rescue mission." Amaya said he was then introduced to another man, "Fibra," who identified himself as the person recruiting people for the "rescue mission." Amaya was offered 20,000 pesos to take part in the voyage—which would leave that day—and he accepted immediately. It was later revealed that Amaya negotiated his fee up to approximately 80,000 pesos in order to pay for his father's prostate cancer treatment.

Amaya, Funda, and Fibra then hopped in a car and drove to Tonalá, Mexico, where they switched vehicles. The three men drove north for two days and, according to Amaya, finally arrived at a three-story home in the middle of the night. Amaya recalled that there were 12 people in the house, and, after approximately a day, he was taken across the street to a water-front home that had approximately 30 people waiting inside. Amaya noticed a boat docked in the back of the house, and he claims to have realized at that point that the voyage was not a rescue mission, but a drug run.

[4] Amaya's presentence investigation report calls his partner both a "wife" and a "girlfriend." It is the Court's understanding that Amaya never married, so we use "girlfriend" here.

Amaya and two other men were escorted onto the boat docked at the back of the house and were driven to open waters. There, their boat was approached by a larger vessel carrying 13 people. Those vessels were then met by two smaller boats, and Amaya and the others were told to offload bales of cocaine into one of the smaller boats. The group equally distributed the bales of cocaine between the two smaller boats, and Amaya boarded one of the vessels carrying 110 bales of cocaine. Amaya's boat then departed for a predetermined meetup spot approximately 300 miles off the coast of Mexico, where the cocaine would be transferred to yet another boat with a captain that could better navigate the waterways and avoid detection. Amaya was told that his job would be to refuel the boat as needed.

Amaya, Hernandez, and Estrada arrived at the meetup spot in the early morning hours of February 16, 2019. While waiting for the other boat to arrive to offload the cocaine, Amaya noticed a small plane flying overhead. Amaya, Estrada, and Hernandez were apprehended by the Coast Guard shortly after.

In his interview, Amaya stated that he believed the cocaine was owned by a man named "Cuentas," who is the son of a man who goes by "Licensado." It was Amaya's understanding that the drug trafficking organization was called "El Cartel del Licensado Mano Blanco."

On March 1, 2019, only a few weeks after being apprehended by the United States Coast Guard, a grand jury in the Southern District of Florida indicted Amaya, Estrada, and Hernandez for (1) conspiracy to possess with intent to distribute five kilograms or more of cocaine while on board a vessel subject to the jurisdiction of the United States, in violation of 21 U.S.C. § 960(b)(1)(B) and 46 U.S.C. §§ 70503(a)(1), 70506(a), (b) ("Count 1") and (2) possession with intent to distribute five kilograms or more of cocaine while on board a vessel subject to the jurisdiction of the United States, in violation of 18 U.S.C. § 2, 21 U.S.C. § 960(b)(1)(B), and 46 U.S.C. §§ 70503(a)(1), 70506(a) ("Count 2"). Amaya pled guilty to both Counts without a plea agreement.

Amaya's probation officer assigned a base offense level of 38, pursuant to U.S.S.G. § 2D1.1(a)(5), (c)(1), because the offense involved 450 kilograms or more of cocaine. The probation officer decreased the offense level by 2 points, pursuant to § 2D1.1(b)(18), because Amaya met the statutory criteria for limitation on applicability of statutory minimums set forth in § 5C1.2, also known as the "safety valve." *See* U.S.S.G. § 5D1.2, comment. (n.2). Amaya's offense level was further reduced by 2 points for his acceptance of responsibility, pursuant to § 3E1.1(a), and by 1 point for his assistance to authorities in the investigation of his own misconduct, pursuant to § 3E1.1(b), resulting in a total offense level of 33. This offense level set Amaya's guideline imprisonment range at 135 to 168

months, though each count carried a mandatory minimum term of only 120 months.

Despite Estrada's role as the "captain" of the boat, Amaya's presentence investigation report ("PSI") indicated that there was no evidence to suggest that any one of the defendants—Amaya, Hernandez, or Estrada—supervised the others, and thus the report did not recommend a mitigating role adjustment for Amaya. Amaya objected to the PSI's conclusion, arguing that he should have received a minor role adjustment because (1) he was an impoverished fisherman; (2) the "captain" of the vessel, Estrada, supervised him; (3) he was going to make the least amount of money among his codefendants; (4) he was essentially a "floating mule" who "had no idea about the overall scope of the conspiracy;" and (5) he had the least amount of knowledge regarding the plan. Amaya also filed two motions for downward variance, in which he argued that (1) the district court could sentence him below the 120-month statutory minimum because he qualified for the "safety valve"; (2) the 18 U.S.C. § 3553(a) sentencing factors did not need to receive equal weight; and (3) his lack of education, relatively clean criminal history, remorsefulness, and low-level position within the overarching criminal scheme warranted a lesser sentence under the § 3553(a) factors. The government responded that Estrada, Amaya, and Hernandez were all equally culpable and

called Amaya's efforts to emphasize his lack of wealth and education "naked ploy[s] for sympathy."

At the sentencing hearing, Amaya reiterated his arguments regarding his low-level role in the scheme and his lack of formal education, and he ultimately asked the Court for a 70-month sentence. The District Court disagreed with Amaya's assessment of his culpability and sentenced him to 135 months—the low-end of his guidelines range—for each count, to be served concurrently, followed by two years of supervised release. The District Court also found that Amaya met U.S.S.G. § 5C1.2's safety valve provision, so the sentence was imposed without regards to the statutory mandatory minimum. Estrada and Hernandez, on the other hand, each received 125 months' imprisonment followed by five years of supervised release.

Amaya now appeals his within-guidelines sentence. He argues (1) that his sentence is procedurally unreasonable because the District Court clearly erred in denying his request for a minor role reduction, pursuant to U.S.S.G. § 3B1.2; and (2) that his sentence is substantively unreasonable. We disagree and thus affirm Amaya's sentence.

II.

We review the reasonableness of a sentence under the deferential abuse of discretion standard of review. *Gall v. United States*, 552 U.S. 38, 51, 128 S. Ct.

586, 597 (2007). We must first ensure that the district court did not commit any significant procedural error, such as improperly calculating the guideline range. *Id.* at 51, 128 S. Ct. at 597. Then, we examine whether, in light of the totality of the circumstances, the sentence imposed is substantively reasonable. *Id.*

We review a district court's determination of a defendant's role in an offense for clear error. *United States v. De Varon*, 175 F.3d 930, 937 (11th Cir. 1999) (en banc). A clear error occurs when we are left "with the definite and firm conviction that a mistake has been committed." *United States v. McDaniel*, 631 F.3d 1204, 1209 (2011) (quotation marks omitted). As long as the basis for the district court's decision was supported by the record and did not involve a misapplication of the law, "it will be rare for [us] to conclude that the sentencing court's determination is clearly erroneous." *De Varon*, 175 F.3d at 945.

III.

Amaya offers two grounds on which this Court might find his sentence unreasonable. First, he claims that his sentence is procedurally unreasonable because the District Court failed to examine "the specific role" he played in the scheme when it denied his request for a minor role reduction under U.S.S.G. § 3B1.2. Second, Amaya argues that his sentence is substantively unreasonable because the District Court failed to take into account his "specific characteristics and reasons for his involvement" and then imposed a "disparate[ly] . . . greater"

sentence on him than on his codefendants, Estrada and Hernandez. We are unpersuaded on both points.

A.

We begin with Amaya's claim that his sentence is procedurally unreasonable. Under § 3B1.2 of the Sentencing Guidelines, a defendant's offense level is decreased by two levels if he is a "minor participant" in the criminal activity. U.S.S.G. § 3B1.2(b). This "minor participant" adjustment applies to a defendant who is "less culpable than most other participants in the criminal activity, but whose role could not be described as minimal." *Id.* § 3B1.2, comment. (n.5). The proponent of the adjustment bears the burden of proving a mitigating role by a preponderance of the evidence. *De Varon*, 175 F.3d at 939.

A district court uses a two-pronged inquiry to determine whether a role reduction applies, considering all probative facts involving the defendant's role and evaluating the totality of the circumstances. *United States v. Man*, 891 F.3d 1253, 1274 (11th Cir. 2018). It first considers the defendant's role in relation to "the relevant conduct for which he has been held accountable at sentencing." *Id.* (quotation marks omitted). Then, it considers the defendant's "role as compared to that of other participants in his relevant conduct." *Id.* (quotation marks omitted). To aid courts in this task, Amendment 794 to the Sentencing Guidelines added to the commentary for U.S.S.G. § 3B1.2 various non-exhaustive factors for a

sentencing court to consider in determining whether to grant a minor role deduction. U.S.S.G. Supp. App. C, Amend. 794. These factors include the "nature and extent of the defendant's participation" and the degree to which the defendant (1) "understood the scope and structure of the criminal activity," (2) "participated in planning or organizing the criminal activity," (3) "exercised . . . or influenced the exercise of decision-making authority," and (4) "stood to benefit." U.S.S.G. § 3B1.2, comment. (n.3(C)).

Section 3B1.2's commentary notes that the mere fact that a defendant performs an "essential or indispensable role in the criminal activity is not determinative." *Id.* Further, "not all participants may be relevant to th[e adjustment] inquiry," and the defendant's role is measured only against other participants involved in the relevant conduct attributed to the defendant. *De Varon*, 175 F.3d at 944. "The fact that a defendant's role may be less than that of other participants engaged in the relevant conduct may not be dispositive of role in the offense, since it is possible that none are minor or minimal participants." *Id.* Finally, the amount of drugs involved in a transaction may be a material consideration in assessing a defendant's role in his relevant conduct. *Id*. at 943 (discussing minimal role adjustment under U.S.S.G. § 3B1.2(a)). A large amount of drugs in a defendant's possession, for example, may be the best indication of the magnitude of his participation in the criminal enterprise. *Id*.

A peek at the case law illustrates our approach to "minor participant" adjustments. In *Cruickshank*, we held that a categorical bar to granting a minor role reduction for defendants transporting large amounts of drugs was legal error and reaffirmed our holding in *De Varon* that a minor role reduction should be based on the "totality of the circumstances." *United States v. Cruickshank*, 837 F.3d 1182, 1194–95 (11th Cir. 2016). In so reasoning, we stated that Amendment 794 did not materially alter § 3B1.2, but rather clarified that "a defendant could be considered for a minor-role adjustment in many circumstances, none of which turn on drug quantity." *Id.* at 1195; *see also* U.S.S.G. § 3B1.2, comment. (n.3(C)) ("The determination whether to apply subsection (a) or subsection (b), or an intermediate adjustment, is based on the totality of the circumstances and involves a determination that is heavily dependent upon the facts of the particular case."). We made explicit that district courts can consider drug quantity at sentencing, but this factor cannot be the only consideration in determining the sentence. *Cruickshank*, 837 F.3d at 1189, 1194–95.

Amaya reads his case as analogous to *Cruickshank*. Like *Cruickshank*, he reasons, "[t]he instant case has nothing in the record to suggest that the amount of drugs was indicative of the magnitude of Marin Amaya's participation in the crime." Appellant's Br. at 17. He claims that, because "he did not captain the vessel or navigate the vessel, nor was he in contact with those on the land that

controlled the transportation like his codefendants who received lesser sentences," he must be entitled to a minor role reduction. *Id.*

But a close look at Amaya's role in relation to "the relevant conduct for which he has been held accountable at sentencing," *Man*, 891 F.3d at 1274, reveals that his comparison to *Cruickshank* is a stretch. Unlike the defendant in *Cruickshank*, Amaya was not denied a minor role reduction based solely on the quantity of drugs he transported.[5] Rather, the District Court considered the PSI, Amaya's motions for downward variance, and the statements of the parties, and then concluded—based on all of these inputs—that Amaya was not entitled to a minor role reduction. Indeed, Amaya was not held responsible for the actions of the entire scope of the larger criminal conspiracy, *see De Varon*, 175 F.3d at 944, but instead, was only held accountable for the fact that he transported a portion of the drugs—the 2,200 kilograms of cocaine—implicated in the broader scheme. And, in relation to that specific conduct, we agree with the District Court's implicit finding that Amaya's role was not a minor one. He admitted to refueling the vessel

[5] We note that the District Court did not *explicitly* rule on the Amaya's objection to not receiving a minor role enhancement. However, we find that the District Court *implicitly* did so when it sentenced Amaya to the bottom of the guideline range—135 months' imprisonment. Either way, the District Court was not required to make specific, individualized findings, only an ultimate determination of whether Amaya played a minor role in the offense. *See United States v. De Varon*, 175 F.3d 930, 940 (11th Cir. 1999) ("[W]e hold that a district court is not required to make any specific findings other than the ultimate determination of the defendant's role in the offense."). It did so here.

as needed—a fact the *Cruickshank* court found relevant to measure the magnitude of involvement, *see* 837 F.3d at 1195 n.1—he may have been tasked with using a chainsaw to protect the cocaine, and he expected at least 20,000 Mexican pesos in compensation at the outset. The fact that Amaya later renegotiated for a nearly 80,000-peso payment only further bolsters our conclusion.

Moving to Amaya's role "as compared to that of other participants in his relevant conduct," *Man*, 891 F.3d at 1274, we again agree with the District Court's determination that a minor role reduction was not warranted. The mere fact that Estrada may have been the "captain" of the fishing boat is not enough to distinguish Amaya's role in the cocaine trafficking scheme from Estrada's and Hernandez's. Even if Amaya did not have ultimate decision-making authority on the vessel, and even if he *may* have been the least culpable member of the conspiracy, he played an essential role in the crime. According to the PSI, he stood to earn at least as much money (20,000 pesos) as Estrada and Hernandez, and the evidence indicates that he had negotiated for much more (up to 80,000 pesos). Further, Hernandez's counsel suggested that Amaya was designated the "protector" of the cocaine, tasked with threatening the other crewmembers with a chainsaw if they stepped out of line. These facts fall far short of compelling the conclusion that Estrada and Hernandez were "sufficiently more culpable," and Amaya "is not automatically entitled to a minor role adjustment" merely because

he suggests that he may have been less culpable than his codefendants. *De Varon*, 175 F.3d at 946. To hold otherwise "would require sentencing courts to regard the least culpable member of any conspiracy as a minor participant, regardless of the extent of that member's participation." *United States v. Zaccardi*, 924 F.2d 201, 203 (11th Cir. 1991). We will not impose such a requirement.

In sum, for both Amaya's role in relation to the relevant conduct for which he has been held accountable, and for his role as compared to the other participants, we believe the District Court chose a "permissible view[] of the evidence," and that discretion is the "very essence of the clear error standard of review." *De Varon*, 175 F.3d at 945 (citation omitted). Accordingly, we find no clear error on this issue.

B.

We turn now to Amaya's claim that his sentence is substantively unreasonable. In determining whether a sentence is substantively reasonable, we review for abuse of discretion. *Gall*, 552 U.S. at 51, 128 S. Ct. at 597. "The party challenging a sentence has the burden of showing that the sentence is unreasonable in light of the entire record, the [18 U.S.C.] § 3553(a) factors, and the substantial deference afforded sentencing courts." *United States v. Rosales-Bruno*, 789 F.3d 1249, 1256 (11th Cir. 2015).

The district court must impose a sentence that is "sufficient, but not greater than necessary, to comply with the purposes" listed in 18 U.S.C. § 3553(a)(2), which include reflecting the seriousness of the offense, promoting respect for the law, providing just punishment, affording adequate deterrence, protecting the public from the defendant's further crimes, and providing the defendant with appropriate correctional treatment. 18 U.S.C. § 3553(a)(2). The district court must also take into consideration the "nature and circumstances" of the offense and the "history and characteristics" of the defendant. *Id.* § 3553(a)(1). In addition, the statute directs the district court to consider the types of sentences available, the applicable guideline range, any pertinent policy statement issued by the Sentencing Commission, the need to avoid unwarranted sentencing disparities, and the need to provide restitution to victims. *Id.* § 3553(a)(3)–(7).

The weight accorded to any one § 3553(a) factor is a matter "committed to the sound discretion of the district court," and a court may attach "great weight" to one factor over others. *Rosales-Bruno*, 789 F.3d at 1254 (quotation marks omitted). However, a district court's unjustified reliance on a single § 3553(a) factor may be a "symptom" of unreasonableness. *United States v. Pugh*, 515 F.3d 1179, 1191 (11th Cir. 2008). The district court is not required to explicitly address each of the § 3553(a) factors or all of the mitigating evidence. *United States v. Amedeo*, 487 F.3d 823, 833 (11th Cir. 2007). Rather, "[a]n acknowledgment [that]

the district court has considered the defendant's arguments and the § 3553(a) factors will suffice." *United States v. Gonzalez*, 550 F.3d 1319, 1324 (11th Cir. 2008).

A district court "imposes a substantively unreasonable sentence only 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." *Rosales-Bruno*, 789 F.3d at 1256 (quotation marks omitted). We may vacate the sentence only if we "are left with the definite and firm conviction that the district court committed a clear error of judgment in weighing the § 3553(a) factors" by imposing a sentence that falls outside the range of reasonableness as dictated by the facts of the case. *United States v. Irey*, 612 F.3d 1160, 1190 (11th Cir. 2010) (en banc) (quotation marks omitted). We ordinarily expect a sentence within the guideline range to be reasonable. *Gonzalez*, 550 F.3d at 1324.

And when considering a claim of disparity, we ask "whether the defendant is similarly situated to the defendants to whom he compares himself." *United States v. Duperval*, 777 F.3d 1324, 1338 (11th Cir. 2015). "A well-founded claim of disparity . . . assumes that apples are being compared to apples." *United States v. Docampo*, 573 F.3d 1091, 1101 (11th Cir. 2009) (quotation marks omitted). The defendant has the burden of showing specific facts that establish the

similar situation. *United States v. Azmat*, 805 F.3d 1018, 1048 (11th Cir. 2015). To make that showing, we "need[] to have more than the crime of conviction and the total length of the sentences to evaluate alleged disparities. The underlying facts of the crime and all of the individual characteristics are relevant." *Id.*

Here, Amaya's argument that his sentence was substantively unreasonable boils down to a claim that he, Hernandez, and Estrada were all in the same boat—literally and figuratively—and thus they should have all received the same sentence. But the evidence reveals that comparing Amaya's sentence to Estrada's and Hernandez's is not an apples-to-apples comparison.

To start, Amaya was sentenced before his codefendants. So, at risk of stating the obvious, the District Court simply could not have known what evidence would be presented at Hernandez's and Estrada's sentencing hearing and whether that evidence would warrant a departure from the sentence it imposed on Amaya.[6]

Further, the evidence presented at Hernandez's and Estrada's sentencing hearing suggested that Amaya had a more substantial role in the crime than he led on. The codefendants' counsel argued that Amaya, unlike Hernandez and Estrada,

[6] Amaya generally contends that the District Court "did not adequately take into account the § 3553 factors." Appellant's Br. at 11. At sentencing, the District Court did not explicitly address any one of the 18 U.S.C. § 3553 factors, but the Court did state that it "considered all the factors." As explained *supra* Op. at 17–18, a district court need not explicitly walk through each § 3553 factor at a sentencing hearing. *See United States v. Duperval*, 777 F.3d 1324, 1338 (11th Cir. 2015) (finding a sentence substantively reasonable where "[t]he district court mentioned that it considered the [§ 3553] factors, which include the seriousness of the offense, the deterrence of future similar crimes, and the need to provide just punishment.").

was tasked with protecting the cocaine with a chainsaw found on board the fishing boat. Counsel likewise suggested that Amaya may have been tasked with threatening Estrada and Hernandez with the chainsaw if it became necessary. And perhaps most persuasively, counsel pointed out that Amaya was set to receive compensation four times greater than what Hernandez or Estrada had been promised. For the purposes of an "apples-to-apples comparison," this makes Amaya an orange.

Taking the evidence of Amaya's greater role in the conspiracy into account, the District Court concluded that Estrada and Hernandez qualified for U.S.S.G. § 5C1.2's safety-valve provision and imposed a sentence of 125 months and five years of supervised release for each. This was not an abuse of discretion, and it does not render Amaya's sentence substantively unreasonable. Amaya has failed to proffer any evidence, outside of his own assertions, that he was similarly situated to his codefendants. Simply pointing to a supposed "disparity" between codefendants who actually played different roles in the offense is not enough. *See United States v. Bergman*, 852 F.3d 1046, 1071 (11th Cir. 2017). With that in mind, and given that we presume a sentence within the guideline range is reasonable, *see Gonzalez*, 550 F.3d at 1324, Amaya has failed to meet his burden to show that his sentence was substantively unreasonable. As a result, we find no abuse of discretion on this issue.

IV.

Because we conclude that Amaya's sentence is both procedurally and substantively reasonable, we affirm his sentence.

AFFIRMED.