

United States Court of Appeals for the Fifth Circuit

No. 25-60590
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 29, 2026

Thomas B. Plunkett, III
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

AFRIKA ROSHAWN SEALS,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:24-CR-51-1

Before STEWART, RICHMAN, and HIGGINSON, *Circuit Judges*.

PER CURIAM:*

Afrika Roshawn Seals appeals the denial of his motion to dismiss the indictment and the sentence imposed following his guilty plea. He raises three arguments: (1) the district court erroneously denied his motion to dismiss the indictment because his constitutional rights were violated when he was not taken before a magistrate judge within 48 hours of his arrest for a preliminary hearing; (2) the district court erred in applying three two-level

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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enhancements under U.S.S.G. §§ 2D1.1(b)(1), (12), and 3C1.1, to his base offense level; and (3) his within-guidelines sentence of 292 months of imprisonment is substantively unreasonable.

Regarding his first argument, it fails because the indictment established probable cause, thereby obviating the need for a preliminary hearing. *See Gerstein v. Pugh*, 420 U.S. 103, 117 n.19 (1975); 18 U.S.C. § 3060(a); FED. R. CRIM. P. 5.1(a)(2). As for his sentence enhancement arguments, the district court did not clearly err because the record reflects (1) a shotgun with a magazine was found in the same residence as three kilograms of cocaine, (2) Seals exerted sufficient control over a premises where narcotics were stored, and (3) Seals instructed another person to destroy or deactivate a cellphone. *See United States v. Ajayi*, 64 F.4th 243, 250-51 (5th Cir. 2023); *United States v. Guzman-Reyes*, 853 F.3d 260, 263 (5th Cir. 2017); *United States v. King*, 773 F.3d 48, 52-53 (5th Cir. 2014). Lastly, his substantive reasonableness argument is unavailing because he fails to show that the sentence does not account for a factor that should receive significant weight, gives significant weight to an irrelevant or improper factor, or represents a clear error of judgment in balancing sentencing factors. *United States v. Cooks*, 589 F.3d 173, 186 (5th Cir. 2009).

AFFIRMED.