

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

September 15, 2026

No. 26-30053
Summary Calendar

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

DANIEL W. EFFERSON, III,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:24-CR-256-2

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

PER CURIAM:*

Daniel W. Efferson, III, pleaded guilty pursuant to a plea agreement with an appeal waiver to conspiracy to possess with intent to distribute methamphetamine. He was sentenced within the guidelines range to 360 months of imprisonment and five years of supervised release. On appeal he challenges the district court's finding that he was a leader or organizer, the

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

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substantive reasonableness of his sentence, and the constitutionality of his sentence under the Eighth Amendment.

The district court's finding that Efferson was a leader or organizer under U.S.S.G. § 3B1.1(a) was not clearly erroneous as it is plausible in light of the record as whole. *See United States v. Ochoa-Gomez*, 777 F.3d 278, 281-82 (5th Cir. 2015); *United States v. Lowder*, 148 F.3d 548, 553-54 (5th Cir. 1998). Efferson's challenge to the substantive reasonableness of his sentence is barred by his appeal waiver. *See United States v. Kelly*, 915 F.3d 344, 348 (5th Cir. 2019). Lastly, he has not shown that his sentence is unconstitutionally excessive. *See United States v. Gonzales*, 121 F.3d 928, 942-43 (5th Cir. 1997), *abrogated on other grounds by United States v. O'Brien*, 560 U.S. 218, 234 (2010).

AFFIRMED.