

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 16-11644  
Non-Argument Calendar

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D.C. Docket No. 0:15-cr-60172-WPD-3

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

KERBY LUMA,  
a.k.a. Money Makin Kerb,

Defendant-Appellant.

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

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(January 11, 2017)

Before WILLIAM PRYOR, JULIE CARNES and JILL PRYOR, Circuit Judges.

PER CURIAM:

Kerby Luma appeals his sentence of imprisonment for 108 months, after pleading guilty to one count of conspiracy to defraud the United States, 18 U.S.C.

§ 286; one count of conspiracy to possess 15 or more unauthorized access devices, *id.* § 1029(b)(2); one count of possession of 15 or more unauthorized access devices, *id.* § 1029(a)(3); and one count of aggravated identity theft, *id.* § 1028A. Luma argues that his sentence at the lowest end of the advisory guideline range is unreasonable because the district court misconstrued his argument that the loss calculation substantially overstated the severity of his offense. We affirm.

We review a sentence for reasonableness. *United States v. Winingear*, 422 F.3d 1241, 1245 (11th Cir. 2005). Our review is deferential for abuse of discretion. *Gall v. United States*, 552 U.S. 38, 41 (2007).

The district court did not abuse its discretion. Luma withdrew his objection to the loss amount at sentencing and stated, “We’re agreeing that the intended loss amount calculated in the presentence report is correct.” As a result, Luma waived any objection to the calculation of the loss amount. *United States v. Love*, 449 F.3d 1154, 1157 (11th Cir. 2006). And the district court did not misconstrue Luma’s argument about the difference between the actual and intended loss amounts. The district court instead determined that the seriousness of Luma’s crimes and the need to promote respect for the law and to deter others warranted a sentence within the advisory guideline range. Luma’s sentence is reasonable.

**AFFIRMED.**