NOT FOR PUBLICATION

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MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. JASON MICHAEL BOMPANE, Defendant - Appellant.	No. 26-872 D.C. No. 3:20-cr-00172-IM-1 MEMORANDUM*

UNITED STATES OF AMERICA, Appellee, v. JASON MICHAEL BOMPANE, Appellant.	No. 26-876 D.C. No. 3:19-cr-00495-3

Appeal from the United States District Court
for the District of Oregon
Karin J. Immergut, District Judge, Presiding

Submitted October 27, 2026**

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Seattle, Washington

Before: M. SMITH, CHRISTEN, and MILLER, Circuit Judges.

Jason Bompane appeals from the district court's denial of his motion for a sentence reduction under 18 U.S.C. § 3582(c)(2). We have jurisdiction under 28 U.S.C. § 1291, and we review a district court's denial of a sentence reduction for abuse of discretion. *United States v. Colson*, 573 F.3d 915, 916 (9th Cir. 2009). We affirm.

1. Bompane argues that the district court erred in determining that his sentence was not "based on" the Sentencing Guidelines and that he was therefore ineligible for a sentence reduction. *See Hughes v. United States*, 584 U.S. 675, 685–86 (2018). We assume without deciding that the district court erred in finding Bompane ineligible for a sentence reduction. Even so, any error was harmless because the district court held, in the alternative, that a sentence reduction was not warranted in the exercise of its discretion under 18 U.S.C. § 3553(a). *See United States v. Wilson*, 8 F.4th 970, 976 (9th Cir. 2021) (holding that any error in finding the defendant ineligible for a sentence reduction under section 3582(c)(2) was harmless because the district court considered the applicable factors under section 3553(a)).

Bompane argues that "there is reason to think that a mistake at the first step of the § 3582(c)(2) analysis could affect the court's exercise of discretion at the

second step." We have not endorsed the rule that an error at the first step of the section 3582(c)(2) analysis is necessarily harmful, *see Wilson*, 8 F.4th at 975–76, and Bompane has not identified any non-speculative reason to conclude that the court's exercise of discretion was influenced by any error at the first step. He points to no error in the district court's section 3553(a) analysis, and we see none.

Bompane notes that we have sometimes vacated sentences due to Guidelines calculation errors, despite assertions by district courts that they would have imposed the same sentences regardless. *See, e.g.*, *United States v. Munoz-Camarena*, 631 F.3d 1028, 1030–1031 (9th Cir. 2011) (per curiam); *United States v. Gardenhire*, 784 F.3d 1277, 1283–84 (9th Cir. 2015). But the cases that Bompane references involved initial sentencings, not motions for a sentence reduction, and the sentencing courts did not adequately explain why correcting the Guidelines errors would not have changed their sentence. Here, by contrast, the district court explained why it would not have exercised its discretion to grant a sentence reduction.

2. A sentencing judge must generally "set forth enough to satisfy the appellate court that he has considered the parties' arguments and has a reasoned basis for exercising his own legal decisionmaking authority." *Rita v. United States*, 551 U.S. 338, 356 (2007). For a section 3582(c)(2) proceeding, "a minimal explanation is adequate in light of the deference due to the judge's professional

judgment and the context of a particular case." *Wilson*, 8 F.4th at 977. And even less explanation may be necessary where, as here, the judge ruling on the section 3582(c)(2) motion is "the same judge" who originally sentenced the defendant. *Chavez-Meza v. United States*, 585 U.S. 109, 118 (2018).

Bompane claims that the district court erred because it did not specifically address his arguments under sections 3553(a)(1), 3553(a)(2)(A) and 3553(a)(2)(D). But the district court addressed these arguments by agreeing with "the reasons cited in the Government's response" for finding that the section 3553(a) factors "support[ed] completion of the sentence imposed." The cited analysis included each sentencing factor that Bompane now claims the district court failed to consider. When the district court expressly agrees with a party and cites the specific arguments with which it agrees, it has provided "a reasoned basis" for its decision sufficient for appellate review. *Rita*, 551 U.S. at 356; *see also United States v. Barnes*, 125 F.3d 1287, 1293 (9th Cir. 1997).

AFFIRMED.