NOT FOR PUBLICATION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. JOSEPH WAYNE ATTAWAY II, Defendant - Appellant.	No. 25-7596 D.C. No. 1:15-cr-00272-DAD-BAM-3 MEMORANDUM[*]

Appeal from the United States District Court
for the Eastern District of California
Dale A. Drozd, District Judge, Presiding

Submitted October 27, 2026[**]

Before: SILVERMAN, FORREST, and VANDYKE, Circuit Judges.

Joseph Wayne Attaway II appeals from the district court's order granting in part and denying in part his motion for a sentence reduction under 18 U.S.C. § 3582(c)(1)(A). We have jurisdiction under 28 U.S.C. § 1291. Reviewing for abuse of discretion, *see United States v. Wright*, 46 F.4th 938, 944 (9th Cir. 2022),

[*] 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).

we affirm.

The district court concluded that Attaway had not shown he was his father's only available caregiver under U.S.S.G. § 1B1.13(b)(3)(C). It also determined that the 18 U.S.C. § 3553(a) sentencing factors supported a six-month reduction in his sentence.[1]

Attaway contends that, because the record showed that none of his other family members could provide the necessary care for his father, the district court clearly erred in finding there were other available caregivers. We do not reach this issue because the district court did not abuse its discretion by concluding that the § 3553(a) sentencing factors warranted only a six-month reduction. *See Wright*, 46 F.4th at 947-48 (holding that an error in the district court's application of U.S.S.G. § 1B1.13 is harmless "if the court properly relied on the 18 U.S.C. § 3553(a) sentencing factors as an alternative basis for its holding"). Attaway's assertion that the court's § 3553(a) analysis was incomplete is not supported by the record.

AFFIRMED.

[1] The government did not appeal the court's grant of a six-month reduction. We therefore do not reach whether the court had authority to grant the reduction.