

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 25-2473

UNITED STATES OF AMERICA

v.

JASON MIKA,
Appellant

On Appeal from the U.S. District Court, M.D. Pa.
Judge Karoline Mehalchick, No. 3:24-cr-00314-001

Before: BIBAS, CHUNG, AND AMBRO, *Circuit Judges*
Argued: June 24, 2026; Filed: Aug. 21, 2026

NONPRECEDENTIAL OPINION*

CHUNG, *Circuit Judge*. Jason Mika pled guilty to one count of possession with intent to distribute methamphetamine. We will affirm the District Court’s application of the specific offense characteristic set forth at U.S.S.G. § 2D1.1(b)(12) (“drug-premises enhancement”).

I. BACKGROUND¹

In February 2024, the Bureau of Narcotics Investigation (“BNI”) and the Pennsylvania Office of the Attorney General began investigating Mika for selling methamphetamine. Per that investigation, the BNI completed three controlled purchases of methamphetamine

* This is not an opinion of the full Court and, under 3d Cir. IOP 5.7, is not binding precedent.

¹ Because we write only for the parties, we assume familiarity with the factual and procedural history and recite only the facts pertinent to our decision.

from Mika. He made these sales at his residence in Summit Hill, Pennsylvania, and at his later residence in Lansford, Pennsylvania. BNI agents executed a search warrant on the Lansford residence and recovered approximately 480 grams of methamphetamine, 69 grams of psilocybin mushrooms, 14 grams of marijuana, 36 Clonazepam tablets, 77 Suboxone strips, and a firearm. Agents also seized a drug ledger, pipes with drug residue, and drug packaging materials. Mika admitted to investigators that he sold illicit drugs his “entire life” and that he sold “a few ounces to a pound” of methamphetamine each month. A143.

A federal grand jury charged Mika with intent to distribute 50 grams or greater of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B), and with being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). Pursuant to a plea agreement, Mika pled guilty to the drug charge. At sentencing, the District Court assessed whether the drug-premises enhancement applied and noted that its application “does not require that the drug dealing be the sole purpose, but just a purpose [for maintaining the premises] ... it must be more than [merely] incidental; but it does not need to be the sole purpose.” A155. It then found that Mika’s drug-distribution “wasn’t an incidental or collateral use of the property. It was, essentially, Mr. Mika’s home business.” A155–56. Over his objections, the District Court concluded that Mika had maintained his residence for the purpose of drug distribution and increased his offense level by two points.

Mika timely filed a notice of appeal challenging the District Court’s application of the drug-premises enhancement.

II. THE DISTRICT COURT PROPERLY APPLIED U.S.S.G. § 2D1.1(B)(12)²

A. Legal Standard

Section 2D1.1(b)(12) provides for a two-level increase “[i]f the defendant maintained a premises for the purpose of manufacturing or distributing a controlled substance[.]” “We apply the drug-premises enhancement according to its text and consistent with our interpretation of 21 U.S.C. § 856[.]” *United States v. Rodriguez*, 40 F.4th 117, 122 (3d Cir. 2022). Like the drug-premises enhancement, § 856 addresses situations when a defendant uses a location “for the purpose of” specified drug-involved conduct, including distribution. *See* 21 U.S.C. §§ 856(a)(1) and (2); U.S.S.G. § 2D1.1(b)(12). When a defendant uses a location for multiple purposes, he uses it “for the purposes” of drug-involved conduct within the meaning of §856(a) if that conduct is a “significant purpose,” which “fall[s] somewhere between an ‘incidental’ and a ‘sole’ purpose[.]” *United States v. Safehouse*, 985 F.3d 225, 237 (3d Cir. 2021). The Commentary to § 2D1.1 provides that “[m]anufacturing or distributing a controlled substance need not be the sole purpose for which the premises was maintained, but must be one of the defendant’s primary or principal uses for the premises, rather than one of the defendant’s incidental or collateral uses for the premises.” Commentary to U.S.S.G. § 2D1.1, Application Note 17.

² The District Court had jurisdiction under 18 U.S.C. § 3231, and we have jurisdiction under 28 U.S.C. § 1291 and 18 U.S.C. § 3742. We review a district court’s interpretation of the sentencing guidelines de novo and its findings of fact for clear error. *United States v. Butch*, 256 F.3d 171, 177 (3d Cir. 2001). We review the district court’s application of the drug-premises enhancement for clear error. *United States v. Rodriguez*, 40 F.4th 117, 122 (3d Cir. 2022). If a District Court committed an error at sentencing, “we may still uphold its sentence if the error was harmless.” *United States v. Zabielski*, 711 F.3d 381, 386 (3d Cir. 2013).

B. Mika’s Conduct Justified Application of the Drug-Premises Enhancement

Mika argues that the District Court committed legal error by relying on the interpretation of the phrase “for the purpose of” set forth in the Commentary to U.S.S.G. § 2D1.12. He asserts that we have already concluded in *United States v. Rodriguez*, 40 F.4th 117, 122 n.1 (3d Cir. 2022) that the text of the drug-premises enhancement is not genuinely ambiguous, foreclosing reliance upon the Commentary. The Government answers that our decision in *Rodriguez* only addressed the potential ambiguity in the term “maintain” and not the phrase “for the purpose of”. *See Id.* at 121–22.

We need not resolve the parties’ dispute regarding ambiguity in the text of the drug-premises enhancement and our precedent. First, the record does not definitively reflect that the District Court relied on the Commentary. The District Court cited caselaw that relied on both the Commentary and *Safehouse* in deciding that Mika maintained his residence for the purpose of distributing a controlled substance. *See United States v. Jones*, No. 20-2765, 2021 WL 6337787, *3 (3d Cir. Sept. 10, 2021) (citing *Safehouse*); *United States v. Long*, No. 23-1215, 2024 WL 575120, *1 n. 7 (3d Cir. Feb. 13, 2024) (citing Commentary); *United States v. Johnson*, No. 23-1341, 2024 WL 2077776, *4 (3d Cir. 2024) (referencing Commentary); *United States v. Carter*, 834 F.3d 259, 262 (3d Cir. 2016) (relying on Commentary). While we cannot conclusively discern whether the District Court decided that Mika’s drug-involved conduct was a “significant purpose” per *Safehouse* or a “primary purpose” per the Commentary,³ its reliance on cases using both

³ *Safehouse*, 985 F.3d at 237; Commentary to U.S.S.G. § 2D1.1, Application Note 17.

standards allows us to conclude that it found Mika's purpose fell somewhere on the spectrum between a "significant purpose" and a "primary purpose."⁴ That is adequate to support application of the enhancement. *Safehouse*, 985 F.3d at 237.

Mika also argues that the District Court erred in applying the drug-premises enhancement because his residence was "where his loved ones lived (his dogs and girlfriend), and where his prized possessions, expensive bicycles, and home renovation tools and supplies were stored." He states that his drug-involved activity occupied a small portion of the residence's physical space and a small portion of the time spent within that residence. Mika thus contends that the property was not "maintained ... for the purpose of ... distributing a controlled substance." Defendant's Opening Br. at 12 (quoting U.S.S.G. § 2D1.1(b)(12)).

While Mika's residence may have been used for daily-living purposes, we made clear in *Safehouse* that the sentencing enhancement can apply even when an individual has multiple significant purposes for maintaining a residence. *Safehouse*, 985 F.3d at 237–38. At Mika's change-of-plea hearing, the Government recounted Mika's possession of copious amounts of methamphetamine, a drug ledger, drug packaging materials, and a digital scale. Moreover, Mika admitted to selling "a few ounces to a pound" of

⁴ "Primary" is defined as "of chief importance; principal[,]" *Primary* (definition 1), Concise Oxford's English Dictionary, 1139 (11th ed. 2008); "Principal" is defined as "first in order of importance; main[,]" *Principal* (definition 1), Concise Oxford's English Dictionary, 1140 (11th ed. 2008); and "Significant" is defined as "important; momentous[.]" *Significant* (definition 2), Webster's New World College Dictionary, 1351 (5th ed. 2018).

methamphetamine each month. A143. On this record, the District Court's finding that drug-dealing was Mika's "home business" was not clearly erroneous, nor was its conclusion that this home business was a significant or primary purpose in maintaining the residence. *See Rodriguez*, 40 F.4th at 122.

Hence, the District Court's application of the sentencing enhancement complied with *Safehouse* and we will not disturb Mika's sentence.

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For the reasons stated above, we will AFFIRM.

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