



Barton v. United States

2010 | Cited 0 times | Ninth Circuit | June 10, 2010

NOT FOR PUBLICATION

MEMORANDUM¹

Submitted May 25, 2010²

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

Former federal prisoner Byron Lee Barton appeals from the district court's order denying his motion to file a petition for a writ of error coram nobis. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Barton contends that the district court erred in dismissing his coram nobis petition as untimely. Contrary to Barton's contention, he is not entitled to relief because he failed to demonstrate that valid reasons existed for filing his coram nobis petition some 30 years after he was convicted, and 14 years after the Supreme Court decided *Staples v. United States*, 511 U.S. 600 (1994), the case he contends entitled him to relief. See *United States v. Riedl*, 496 F.3d 1003, 1006-08 (9th Cir. 2007); see also *Maghe v. United States*, 710 F.2d 503, 503-04 (9th Cir. 1983) (denying a coram nobis petition as untimely where the claim could have been raised earlier and there were no sound reasons for the delay).

AFFIRMED.

1. This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.
2. The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

