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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>RICHARD JOSEPH FINLEY,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>UNITED STATES OF AMERICA,</p> <p>Defendant - Appellee.</p> |
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No. 08-16575

D.C. No. 2:07-CV-01939-DLJ

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
D. Lowell Jensen, District Judge, Presiding

Submitted June 16, 2009**

Before: PAEZ, TALLMAN, and N.R. SMITH, Circuit Judges.

Richard Joseph Finley appeals pro se from the district court's denial of his motion for a certificate of innocence, pursuant to 28 U.S.C. § 2513. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

Finley contends that the district court erred by denying his request for a certificate of innocence after his convictions for submitting false claims to the Internal Revenue Service, attempting to interfere with the administration of the federal tax laws, and bank fraud were reversed. We conclude that the district court did not err in determining that Finley did not meet his burden of proving, among other things, that “[h]e did not commit any of the acts charged or his acts, deeds, or omissions in connection with such charge constitute no offense against the United States[.]” 28 U.S.C. § 2513(a)(2). Therefore, we affirm.

AFFIRMED.