

DEC 14 2009

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROBERT DALE DAVIDSON,

Defendant - Appellant.

No. 08-30361

D.C. No. 6:92-CR-60007-MRH

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Michael R. Hogan, Presiding

Submitted November 17, 2009**

Before: ALARCÓN, TROTT, and TASHIMA, Circuit Judges.

Robert Dale Davidson appeals from the district court's order denying his motion to correct the judgment pursuant to Federal Rule of Criminal Procedure 36.

* 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).

We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Davidson contends that the district court erred when it denied his motion to correct the judgment because it contained drug quantities that were not found by the jury. The district court did not clearly err in denying the motion. *See United States v. Dickie*, 752 F.2d 1398, 1400 (9th Cir. 1985) (per curiam) (concluding that the clearly erroneous standard is appropriate in reviewing the grant or denial of a Rule 36 motion); *see also United States v. Kaye*, 739 F.2d 488, 491 (9th Cir. 1984) (“Rule 36 applies to clerical errors only.”).

We grant Davidson’s motion to extend time to file his reply brief and accept the brief as filed.

We deny Davidson’s remaining contentions and outstanding motions.

AFFIRMED.