

DEC 14 2009

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>BRUCE E. DUNBAR,</p> <p>Defendant - Appellant.</p>

No. 08-30406

D.C. No. 2:00-cr-00045-RSL

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Robert S. Lasnik, Chief District Judge, Presiding

Submitted November 17, 2009**

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

Bruce E. Dunbar appeals pro se from the district court’s order denying his “motion for clarification of judgment.” We have jurisdiction pursuant to 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).

Dunbar contends that the district court improperly delegated its authority to schedule restitution payments to the Bureau of Prisons (“BOP”) by failing to specify the precise amount of money the BOP was authorized to collect per month as part of the Inmate Financial Responsibility Program, thereby allowing BOP to dictate the amount of restitution inmates are required to pay. This argument is foreclosed. *See United States v. Lemoine*, 546 F.3d 1042, 1046 (9th Cir. 2008).

Dunbar also contends that the government acted vindictively by opposing his motion for clarification of judgment. This argument lacks merit. *See United States v. Lopez*, 474 F.3d 1208, 1211 (9th Cir. 2007).

AFFIRMED.