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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>BYRON LEE BARTON,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>UNITED STATES OF AMERICA,</p> <p>Respondent - Appellee.</p>
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No. 08-35447

D.C. No. 2:08-cv-00186-TSZ

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Thomas S. Zilly, District Judge, Presiding

Submitted May 25, 2010**

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.

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

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

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.