

DEC 13 2011

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NOT FOR PUBLICATION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.

GEORGE CRAMER,

Defendant - Appellant.

No. 10-10452

D.C. No. 2:10-cr-00066-GEB-1

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Garland E. Burrell, District Judge, Presiding

Argued and Submitted December 6, 2011
San Francisco, California

Before: O'SCANNLAIN and BERZON, Circuit Judges, and LASNIK, District
Judge.**

George Cramer contends that the evidence presented at his trial was
insufficient to convict him of three counts of willfully allowing his livestock to
graze, without a permit, on lands administered by the Bureau of Land

* This disposition is not appropriate for publication and is not precedent
except as provided by Ninth Circuit Rule 36-3.

** The Honorable Robert S. Lasnik, District Judge of the U.S. District
Court for the Western District of Washington, sitting by designation.

Management. *See* 43 C.F.R. §§ 4140.1(b)(1)(i), 4170.2-1. We disagree.

Considered in the light most favorable to the United States, the evidence presented at trial was adequate to allow a rational trier of fact to find the essential elements of each count of unlawful grazing beyond a reasonable doubt. *See United States v. Nevils*, 598 F.3d 1158, 1164 (9th Cir. 2010) (en banc).

Cramer also contends that the magistrate judge erred by admitting evidence of prior instances of uncharged grazing. Again, we disagree. That evidence was admissible under Federal Rule of Evidence 404(b), and the magistrate judge did not err in concluding that the United States gave Cramer adequate pretrial notice of the evidence. *See United States v. Beckman*, 298 F.3d 788, 794 (9th Cir. 2002).

AFFIRMED.