

JAN 19 2012

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NOT FOR PUBLICATION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.

SUTANG WU, a.k.a. Suling Hong Wu,

Defendant - Appellant.

No. 11-50199

D.C. No. 2:09-cr-01190-SVW

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Stephen V. Wilson, District Judge, Presiding

Submitted January 17, 2012**

Before: LEAVY, TALLMAN, and CALLAHAN, Circuit Judges.

Sutang Wu appeals pro se the denial of his motion under Federal Rule of Criminal Procedure 36 to correct a clerical error in his judgment and commitment order. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Wu seeks to correct the judgment and commitment order to reflect that his

* 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).

participation in the Inmate Financial Responsibility Program is voluntary rather than mandatory. Because there is no error, clerical or otherwise, the district court properly declined to grant relief. *See United States v. Penna*, 319 F.3d 509, 513 (9th Cir. 2003) (“Rule 36 is a vehicle for correcting clerical errors in a judgment of conviction.”).

AFFIRMED.