

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

FEB 27 2014

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DANIEL M. DAVIS,

Defendant - Appellant.

No. 12-35982

D.C. Nos. 1:03-cv-00045-EJL  
1:01-cr-00188-EJL

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Idaho  
Edward J. Lodge, District Judge, Presiding

Submitted February 18, 2014\*\*

Before: ALARCÓN, O'SCANNLAIN, and FERNANDEZ, Circuit Judges.

Daniel M. Davis appeals pro se from the district court's order denying his petition for a writ of error coram nobis. We have jurisdiction under 28 U.S.C. § 1291. We review the denial of a petition for a writ of error coram nobis de novo, *see United States v. Riedl*, 496 F.3d 1003, 1005 (9th Cir. 2007), 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)*.

Davis challenges his 2002 guilty-plea conviction, alleging ineffective assistance of counsel and prosecutorial misconduct. Because Davis has not shown valid reasons for failing to attack the conviction earlier or an error “of the most fundamental character,” he is not entitled to a writ of coram nobis, and the district court properly denied relief. *See id.* at 1006-07.

**AFFIRMED.**