

MAR 17 2014

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NOT FOR PUBLICATION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.

STEFAN DENSER, a.k.a. Shane,

Defendant - Appellant.

No. 13-50279

D.C. No. 2:09-cr-00623-PSG

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Philip S. Gutierrez, District Judge, Presiding

Submitted March 10, 2014**

Before: PREGERSON, LEAVY, and MURGUIA, Circuit Judges.

Stefan Denser appeals pro se from the district court's order denying his Federal Rule of Criminal Procedure 36 motion to correct a clerical error in the judgment. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Denser contends the district court erred by denying his Rule 36 motion to

* 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).

correct the judgment to reflect that he was convicted of “delivery” rather than “distribution” of cocaine base. We review for clear error the denial of a Rule 36 motion. *See United States v. Dickie*, 752 F.2d 1398, 1400 (9th Cir. 1985) (per curiam). Because the record reflects that Denser pleaded guilty to distribution of cocaine base, in violation of 21 U.S.C. § 841(a)(1), there was no clerical error in the judgment, and the district court properly denied the motion.

AFFIRMED.