

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 26 2015

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RODNEY JOSEPH, Jr.,

Defendant - Appellant.

No. 14-10377

D.C. No. 1:06-cr-00080-SOM

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
Susan Oki Mollway, Chief Judge, Presiding

Submitted June 22, 2015**

Before: HAWKINS, GRABER, and W. FLETCHER, Circuit Judges.

Rodney Joseph, Jr., appeals pro se from the district court's order denying his request to "not join" in his co-defendant's withdrawal of his motions for a new trial.

We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Joseph argues that the district court erred by treating his joinder in 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).

co-defendant's motions for a new trial as withdrawn upon his co-defendant's withdrawal of the motions. The district court treated Joseph's joinder as withdrawn under District of Hawaii Local Rule 7.9, which states: "Unless otherwise ordered by the court, whenever an underlying motion is withdrawn, any joinders are also treated as withdrawn." We review the district court's application of its local rules for abuse of discretion. *See United States v. Heller*, 551 F.3d 1108, 1111 (9th Cir. 2009). Contrary to Joseph's contention, the district court did not abuse its discretion by treating his joinder as withdrawn. *See id.* (only in rare cases will this court question the district court's exercise of discretion in applying local rules).

AFFIRMED.