

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUN 29 2015

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CESAR RICARDO GONZALEZ-
GARCIA,

Defendant - Appellant.

No. 13-50599

D.C. No. 2:08-cr-00552-RHW

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Robert H. Whaley, District Judge, Presiding

Submitted June 22, 2015**

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

Cesar Ricardo Gonzalez-Garcia appeals from the district court's order denying his motion for a writ of error coram nobis seeking to vacate his 2011

* 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).

conviction for illegal reentry after deportation, in violation of 8 U.S.C. § 1326. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Gonzalez-Garcia claims that a copy of his Mexican birth certificate obtained in 2013 provides a basis for vacating his conviction because it proves that the version of the birth certificate admitted at trial is fake. We review de novo the district court's denial of Gonzalez-Garcia's coram nobis petition. *See United States v. Riedl*, 496 F.3d 1003, 1005 (9th Cir. 2007). Gonzalez-Garcia has failed to show valid reasons for failing to challenge the authenticity of the admitted version of the birth certificate at trial. *See id.* at 1006-07. Moreover, he has failed to demonstrate an error of "the most fundamental character." *See Hirabayashi v. United States*, 828 F.2d 591, 604 (9th Cir. 1987). Accordingly, the district court properly denied Gonzalez-Garcia coram nobis relief.

AFFIRMED.