NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff-Appellee, v. JOHN HOBART ZENTMYER, Defendant-Appellant.	No. 15-56108 D.C. No. 2:03-cr-00337-DSF MEMORANDUM*

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

Submitted September 27, 2016**

Before: TASHIMA, SILVERMAN, and M. SMITH, Circuit Judges.

Former federal prisoner John Hobart Zentmyer appeals pro se from the district court's order denying his petition for writ of error coram nobis. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a district court's denial of a petition for writ of error coram nobis, *see Matus-Leva v. United States*,

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* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

287 F.3d 758, 760 (9th Cir. 2002), and we affirm.

Zentmyer contends that the district court violated his due process rights by denying his petition sua sponte after the government had defaulted by failing to file a timely response. We need not determine whether the district court erred in this regard because the record shows that Zentmyer is ineligible for coram nobis relief. *See id.* ("We may affirm on any ground finding support in the record."). The district court correctly concluded that Zentmyer has not shown that valid reasons exist for not attacking the conviction earlier or that "the error is of a fundamental character." *See id.* (listing requirements for coram nobis relief).

AFFIRMED.