

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 3 2017

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 16-15472

Plaintiff-Appellee,

D.C. Nos. 1:02-cr-00547-ALA

1:10-cv-00275-ALA

v.

KENNETH CHARLES McNEIL, a.k.a.  
Chip,

MEMORANDUM\*

Defendant-Appellant.

Appeal from the United States District Court  
for the District of Hawaii  
Ann L. Aiken, District Judge, Presiding\*\*

Submitted June 26, 2017\*\*\*

Before: PAEZ, BEA, and MURGUIA, Circuit Judges.

Former federal prisoner Kenneth Charles McNeil appeals from the district court's order denying his petition for a writ of error coram nobis. We have

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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 Honorable Ann L. Aiken, United States District Judge for the District of Oregon, sitting by designation.

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

jurisdiction under 28 U.S.C. § 1291. We review the denial of a coram nobis petition de novo, *see United States v. Riedl*, 496 F.3d 1003, 1005 (9th Cir. 2007), and we affirm.

McNeil challenges his 2003 jury-trial conviction for interstate travel with intent to violate a protective order, alleging that the district court improperly instructed the jury with the parties' stipulated instruction regarding intent. Because McNeil has not shown an error "of the most fundamental character," he is not entitled to a writ of error coram nobis, and the district court properly denied relief.

*See id.* at 1005-06.

**AFFIRMED.**