

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 10-2362

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United States of America,

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Appellee,

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v.

\*      Appeal from the United States  
\*      District Court for the  
\*      District of Nebraska.

Russell J. Frauendorfer,

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Appellant.

\*      [UNPUBLISHED]  
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Submitted: October 26, 2010

Filed: November 5, 2010

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Before WOLLMAN, MELLOY, and GRUENDER, Circuit Judges.

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PER CURIAM.

Federal inmate Russell Frauendorfer appeals the district court's<sup>1</sup> denial of his Fed. R. Crim. P. 36 motion to correct a clerical error in the judgment imposing a prison term and restitution in the amount of \$4,712. Rule 36 states that "the court may at any time correct a clerical error in a judgment, order, or other part of the record, or correct an error in the record arising from oversight or omission." We hold that the amount of restitution imposed was intended by the district court and not the product of a clerical error or an error arising from oversight or omission. The oral

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<sup>1</sup>The Honorable Joseph F. Bataillon, Chief Judge, United States District Court for the District of Nebraska.

pronouncement of the amount of restitution did not differ from either the written judgment, the criminal complaint, or the presentence report. *See United States v. Tramp*, 30 F.3d 1035, 1037 (8th Cir. 1994) (“Rule 36 does not authorize a district court to modify a sentence at any time.”).

Accordingly, we affirm, *see* 8th Cir. R. 47B; and we deny Frauendorfer’s motion to supplement the record, *see Dakota Indus., Inc. v. Dakota Sportswear, Inc.*, 988 F.2d 61, 63 (8th Cir. 1993).

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