

United States Court of Appeals
For the Eighth Circuit

No. 12-4025

United States of America

Plaintiff - Appellee

v.

Keith D. Nelson

Defendant - Appellant

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: September 23, 2013

Filed: October 1, 2013

[Unpublished]

Before WOLLMAN, BEAM, and SMITH, Circuit Judges.

PER CURIAM.

Keith Nelson appeals the district court's¹ denial of his Motion to Correct Judgment under Federal Rule of Criminal Procedure 36.² In pursuit of his motion, Nelson alleged that the judgment issued by the district court on March 12, 2002, incorrectly listed his offense of conviction as "Kidnapping of a Minor for the Purpose of Sexual Abuse Which Resulted in the Death of the Victim." Nelson alleged the judgment should be corrected to read, "Kidnapping Resulting in Death Where Victim was Transported Across State Lines," as the references to "sexual abuse" and that the victim was a "minor" did not accurately state the crime of conviction. Applying an abuse of discretion standard in our review of the record and the district court's order, United States v. Howe, 538 F.3d 842, 852-53 (8th Cir. 2008), abrogated on other grounds by United States v. Villareal-Amarillas, 562 F.3d 892 (8th Cir. 2009), we find no error in the district court's disposition of this matter. Accordingly, we affirm the judgment of the district court for the reasons stated by the court in its thorough and well-reasoned order. Further discussion of the matter would have no precedential value. See 8th Cir. R. 47(B).

¹The Honorable Fernando J. Gaitan, Jr., Chief Judge, United States District Court for the Western District of Missouri.

²Federal Rule of Criminal Procedure 36 provides: "After giving any notice it considers appropriate, 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."