

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 22 2015

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KENNETH FRANKLIN BEALS,

Defendant - Appellant.

No. 12-10463

D.C. No. 2:09-cr-00485-KJM-1

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Kimberly J. Mueller, District Judge, Presiding

Submitted September 15, 2015**
San Francisco, California

Before: CALLAHAN, CHRISTEN, and FRIEDLAND, Circuit Judges.

Kenneth Beals appeals his conviction (via guilty plea) on one count of being a felon in possession of a firearm, 18 U.S.C. § 922(g)(1). We affirm.

* 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).

The district court did not err in denying Beals's motion to dismiss the indictment for outrageous government conduct. Beals has not shown that the challenged governmental conduct was a due process violation "so grossly shocking and so outrageous as to violate the universal sense of justice." *United States v. Stinson*, 647 F.3d 1196, 1209 (9th Cir. 2011). Nor has Beals shown that the district court abused its discretion in declining to dismiss the indictment under its supervisory authority. *See United States v. Barrera-Moreno*, 951 F.2d 1089, 1091-92 (9th Cir. 1991).

Likewise, Beals has not shown that the district court abused its discretion in denying his request for an evidentiary hearing. *See United States v. Howell*, 231 F.3d 615, 620-21 (9th Cir. 2000).

AFFIRMED.