

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 15 2015

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARIO ERNESTO VILLABONA-
ALVARADO,

Defendant - Appellant.

No. 14-55477

D.C. Nos. 2:13-cv-05080-GHK
2:88-cr-00972-GHK

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
George H. King, Chief Judge, Presiding

Submitted April 7, 2015**

Before: FISHER, TALLMAN, and NGUYEN, Circuit Judges.

Mario Ernesto Villabona-Alvarado appeals pro se the district court's judgment denying his petition for a writ of error coram nobis seeking to vacate his convictions stemming from a 1990 trial. We have jurisdiction under 28 U.S.C.

* 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).

§ 1291, and we affirm.

Villabona-Alvarado claims that evidence discovered after the resolution of his 28 U.S.C. § 2255 motion provides a basis for vacating his convictions. We review de novo the district court's denial of Villabona-Alvarado's coram nobis petition. *See United States v. Riedl*, 496 F.3d 1003, 1005 (9th Cir. 2007). The district court properly refused to hear Villabona-Alvarado's repetitive petition given that he presented no evidence of "manifest injustice or a change in law." *Polizzi v. United States*, 550 F.2d 1133, 1135 (9th Cir. 1976); *see also Matus-Leva v. United States*, 287 F.3d 758, 761 (9th Cir. 2002) ("A petitioner may not resort to *coram nobis* merely because he has failed to meet the AEDPA's gatekeeping requirements."). Moreover, Villabona-Alvarado's claims fail to demonstrate an error of "the most fundamental character." *Hirabayashi v. United States*, 828 F.2d 591, 604 (9th Cir. 1987).

AFFIRMED.