

FILED

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

MICHAEL INDELICATO,

Defendant-Appellant.

No. 15-16970

D.C. No.

3:85-cr-00078-EMC-1

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Edward M. Chen, District Judge, Presiding

Submitted February 16, 2017**
San Francisco, California

Before: TASHIMA and HURWITZ, Circuit Judges, and ADELMAN, District
Judge.***

Michael Indelicato appeals the denial by the district court of his petition for a writ of error coram nobis. 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 Honorable Lynn S. Adelman, District Judge for the United States District Court for the Eastern District of Wisconsin, sitting by designation.

Indelicato was convicted of firearms offenses in 1985, and this court affirmed on direct appeal. *United States v. Indelicato*, 800 F.2d 1482 (9th Cir. 1986) (per curiam). Indelicato provides no valid reasons for waiting until 2014 to collaterally attack his convictions. *See United States v. Riedl*, 496 F.3d 1003, 1004 (9th Cir. 2007). His claims do not rest on newly discovered evidence or a change in the law, and any mis-advice by his lawyers in the mid-1980s cannot excuse his failure to take any action for over 25 years.

AFFIRMED.