

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 23 2019

FOR THE NINTH CIRCUIT

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

STEPHEN YAGMAN,

Petitioner-Appellant,

v.

UNITED STATES OF AMERICA,

Respondent-Appellee.

No. 18-55111

D.C. No. 2:15-cv-07586-SVW-KS

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Stephen V. Wilson, District Judge, Presiding

Submitted May 21, 2019

Before: THOMAS, Chief Judge, FRIEDLAND and BENNETT, Circuit Judges.

Stephen Yagman appeals from the district court's order denying his petition for a writ of error coram nobis under 28 U.S.C. § 1651(a). We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *see United States v. Riedl*, 496 F.3d 1003, 1005 (9th Cir. 2007), and we affirm.

Yagman challenges his conviction for bankruptcy fraud, in violation of 18 U.S.C. § 157, on the basis that the government failed to prove the existence of a

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

bankruptcy “proceeding,” and because the jury was not instructed it had to find beyond a reasonable doubt that there was a fraudulent scheme separate from the bankruptcy proceedings. Yagman unsuccessfully raised these claims in a pretrial motion, on direct appeal, and in collateral relief proceedings. The district court properly denied coram nobis relief. *See Riedl*, 496 F.3d at 1006 (setting forth the requirements for coram nobis relief).

We do not consider the arguments Yagman presents for the first time in his reply brief, *see Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009), and the requests contained in his reply brief are denied.

Appellee’s request for judicial notice is granted. The panel unanimously concludes this case is suitable for decision without oral argument. *See Fed. R. App. P. 34(a)(2)*. Yagman’s request for oral argument is, therefore, denied.

AFFIRMED.