

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 07-3339

United States of America,

Appellee,

v.

Kenneth Jay Still,

Appellant.

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Appeal from the United States
District Court for the
Southern District of Iowa.

[UNPUBLISHED]

Submitted: April 15, 2008

Filed: May 1, 2008

Before GRUENDER, BALDOCK¹ and BENTON, Circuit Judges.

PER CURIAM.

Kenneth Jay Still filed a motion under Federal Rule of Criminal Procedure 36 seeking to vacate his supervised release term, alleging that it violated his 2004 plea agreement. The district court² denied his motion. Rule 36 provides for the correction

¹The Honorable Bobby R. Baldock, United States Circuit Judge for the Tenth Circuit, sitting by designation.

²The Honorable James E. Gritzner, United States District Judge for the Southern District of Iowa.

of clerical errors, which is not the proper basis to bring his motion. *See United States v. Yackle*, 463 F.3d 810, 811 (8th Cir. 2006) (per curiam) (“[T]here is no mere scrivener’s mistake here, and so we cannot afford [the defendant] relief under Rule 36.”). Alternatively, Still argues he is entitled to relief under 18 U.S.C. § 3583(e), but that statute provides no authority for a district court to revisit the imposition of a term of supervised release. *See United States v. Hatten*, 167 F.3d 884, 886 (5th Cir. 1999). Accordingly, we rejected the bases upon which Still relies for the relief he seeks, and we affirm the judgment of the district court.³

³The Government’s motion to dismiss is denied as moot.