

United States Court of Appeals
For the Eighth Circuit

No. 22-2681

United States of America

Plaintiff - Appellee

v.

Joe Lenzie Turner

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Missouri - Cape Girardeau

Submitted: February 13, 2023

Filed: February 16, 2023

[Unpublished]

Before COLLOTON, BENTON, and GRASZ, Circuit Judges.

PER CURIAM.

Federal prisoner Joe Turner appeals following the district court's¹ denial of his motion under Fed. R. Crim. P. 36 filed in his closed criminal case. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

¹The Honorable John A. Ross, United States District Judge for the Eastern District of Missouri.

This court concludes the district court's denial of relief was not an abuse of discretion. *See United States v. Howe*, 538 F.3d 842, 852-53 (8th Cir. 2008) (standard of review), *abrogated on other grounds by United States v. Villareal-Amarillas*, 562 F.3d 892 (8th Cir. 2009); *United States v. Yackle*, 463 F.3d 810, 811 (8th Cir. 2006) (per curiam) (court could not afford movant relief under Rule 36 where "there is no mere scrivener's mistake").

The judgment is affirmed. *See* 8th Cir. R. 47B. Turner's pending motion to supplement the record is granted.
