

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 11-1714

United States of America,

Appellee,

v.

Charles Gordon Long,

Appellant.

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Appeal from the United States
District Court for the
District of Minnesota.

[UNPUBLISHED]

Submitted: September 29, 2011

Filed: October 4, 2011

Before LOKEN, BYE, and COLLOTON, Circuit Judges.

PER CURIAM.

Invoking Federal Rule of Criminal Procedure 36 and the inherent authority of the federal district courts, federal inmate Charles Long moved--some three years after he was sentenced for bank robbery upon his guilty plea--for modification or return of his abridged pre-plea presentence report (PSR). Long argued that the document was not really a PSR, and that it contained inaccurate and scandalous information which was being used against him in federal prison. The district court¹ denied the motion, and he appeals. After careful review, and for the reasons explained by the district

¹The Honorable Paul A. Magnuson, United States District Judge for the District of Minnesota.

court, we agree with the court that the document at issue is a PSR within the meaning of Federal Rule of Criminal Procedure 32, and was therefore properly disclosed to the Federal Bureau of Prisons; that Long should have addressed any inaccuracies in the PSR pursuant to Rule 32 at or before sentencing; and that he cannot now use Rule 36 to obtain the relief sought, which involves far more than correction of a clerical error. See United States v. Yackle, 463 F.3d 810, 811 (8th Cir. 2006) (per curiam). Accordingly, we affirm. See 8th Cir. R. 47B. We also deny his pending motion to supplement the record.
