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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. MICHAEL R. STEIN, Defendant - Appellant.	No. 06-30394 D.C. No. CR-03-00001-RRB MEMORANDUM*

Appeal from the United States District Court
for the District of Alaska
Ralph R. Beistline, District Judge, Presiding

Submitted February 26, 2008**

Before: BEEZER, FERNANDEZ, and McKEOWN, Circuit Judges.

Michael R. Stein appeals from the district court's order denying his motion for a new trial based on newly-discovered evidence. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

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* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

We conclude that the district court did not abuse its discretion by denying the motion for a new trial because Stein has not shown that the evidence at issue was newly-discovered. *See United States v. Sarno*, 73 F.3d 1470, 1507 (9th Cir. 1995). We also conclude that the district court did not err by denying Stein's motion prior to his filing of a reply, because under the District Court of Alaska's Local Criminal Rule 47.1(c), a reply is generally not permitted in criminal motion practice. *See Miranda v. S. Pac. Transp. Co.*, 710 F.2d 516, 521 (9th Cir. 1983) (recognizing that district courts have broad discretion in interpreting and applying their local rules).

AFFIRMED.