

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 21 2017

FOR THE NINTH CIRCUIT

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

PATRICK L. RICHARDSON,

No. 16-15875

Plaintiff-Appellant,

D.C. No. 3:16-cv-00893-MEJ

v.

MEMORANDUM*

MONTEREY COUNTY SUPERIOR
COURT,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of California
Maria-Elena James, Magistrate Judge, Presiding**

Submitted April 11, 2017***

Before: GOULD, CLIFTON, and HURWITZ, Circuit Judges.

California state prisoner Patrick L. Richardson appeals pro se from the district court's judgment dismissing his petition for a writ of *coram nobis*. We

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

** The parties consented to proceed before a magistrate judge. See 28 U.S.C. § 636(c).

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

have jurisdiction under 28 U.S.C. § 1291. We review de novo a district court's dismissal for lack of jurisdiction, *United States v. Monreal*, 301 F.3d 1127, 1130 (9th Cir. 2002), and we affirm.

The district court properly dismissed Richardson's petition challenging his California state conviction for murder because *coram nobis* relief is not available in federal court to attack a state court conviction. *See id.* at 1131 (“[W]rit of error *coram nobis* . . . may only be brought in the sentencing court.”).

Richardson's request that this court order the district court to cease collecting payments from his prisoner trust account to satisfy the filing fee, set forth in his request for judicial notice (Docket Entry No. 6), is denied. To the extent that Richardson requests that this court take judicial notice of the district court's orders in this proceeding (Docket Entry No. 6), that request is denied as unnecessary.

AFFIRMED.