

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 3 2017

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

RASHEEN D. FAIRLY,

Defendant-Appellant.

No. 16-16889

D.C. Nos. 1:15-cv-00290-LJO  
1:95-cr-05193-DAD

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Dale A. Drozd, District Judge, Presiding

Submitted June 26, 2017\*\*

Before: PAEZ, BEA, and MURGUIA, Circuit Judges.

Federal prisoner Rasheen D. Fairly appeals pro se from the district court's order denying his petition for writ of error coram nobis. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

This court reviews de novo the district court's denial of a coram nobis

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

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

petition. *See Matus-Leva v. United States*, 287 F.3d 758, 760 (9th Cir. 2002). We agree with the district court’s conclusion that it lacked jurisdiction to review the validity of Fairly’s state conviction. *See Hensley v. Municipal Court*, 453 F.2d 1252, 1252 n.2 (9th Cir. 1972) (“Coram nobis lies only to challenge errors occurring in the same court.”), *rev’d on other grounds*, 411 U.S. 345 (1973); *see also Madigan v. Wells*, 224 F.2d 577, 578 n.2 (9th Cir. 1955) (“[T]he writ can issue, if at all, only in aid of the jurisdiction of the ... court in which the conviction was had.”)

**AFFIRMED.**