

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-6352

WILLIAM EDWARD REBROOK, III,

Petitioner - Appellant,

v.

UNITED STATES OF AMERICA,

Respondent - Appellee.

Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. John T. Copenhaver, Jr., District Judge. (2:10-cv-01009)

Submitted: September 26, 2014

Decided: December 30, 2014

Before MOTZ, SHEDD, and FLOYD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Lonnie Carl Simmons, DITRAPANO, BARRETT, DIPIERO, MCGINLEY & SIMMONS PLLC, Charleston, West Virginia, for Appellant. R. Booth Goodwin II, United States Attorney, Larry R. Ellis, Assistant United States Attorney, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

William Edward ReBrook, III, appeals the district court's order, accepting the magistrate judge's recommendation (except as otherwise stated), denying his petition for a writ of error coram nobis, and dismissing the action. In his writ, ReBrook alleges that his conviction for wire fraud, under 18 U.S.C. §§ 1343, 1346 (2012), is no longer valid in light of Skilling v. United States, 561 U.S. 358 (2010). We note that a writ of error coram nobis is a remedy of last resort, United States v. Mandel, 862 F.2d 1067, 1075 (4th Cir. 1988), and that it is narrowly limited to extraordinary cases presenting circumstances compelling its use to achieve justice. United States v. Denedo, 556 U.S. 904 (2009). We find no abuse of discretion in the district court's denial of the writ, United States v. Akinsade, 686 F.3d 248, 251-52 (4th Cir. 2012) (providing review standard), and accordingly affirm for the reasons stated by the district court that the conviction is valid under 18 U.S.C. § 1343 under a property fraud theory. ReBrook v. United States, No. 2:10-cv-01009 (S.D.W. Va. Feb. 11, 2014). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials

before this court and argument would not aid the decisional process.

AFFIRMED