

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-1079

In Re: LAWRENCE VERLINE WILDER, SR.,

Petitioner.

On Petition for Writ of Error Coram Nobis.
(5:12-cr-00003-H-1)

Submitted: June 15, 2016

Decided: June 28, 2016

Before SHEDD, DUNCAN, and THACKER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Lawrence Verline Wilder, Sr., Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Lawrence Verline Wilder, Sr., petitions this court for a writ of error coram nobis pursuant to 28 U.S.C. § 1651(a) (2012). In his petition, Wilder seeks an order from this court vacating his criminal judgment.

A writ of error coram nobis can be used to vacate a conviction when there is a fundamental error resulting in conviction, and no other means of relief is available. See United States v. Denedo, 556 U.S. 904, 911 (2009). But see Carlisle v. United States, 517 U.S. 416, 429 (1996) (noting "it is difficult to conceive of a situation in a federal criminal case today where a writ of coram nobis would be necessary or appropriate") (internal quotation marks omitted and brackets omitted). The remedy is also limited to petitioners who are no longer in custody pursuant to their conviction. See Carlisle, 517 U.S. at 429. "As a remedy of last resort, the writ of error coram nobis is granted only where an error is of the most fundamental character and there exists no other available remedy." United States v. Akinsade, 686 F.3d 248, 252 (4th Cir. 2012) (internal quotation marks omitted).

We conclude that Wilder fails to establish that he is entitled to a writ of error coram nobis. Accordingly, although we grant Wilder leave to proceed in forma pauperis, we deny the petition for a writ of error coram nobis. Wilder's request for

appointment of counsel is denied. 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.

PETITION DENIED