

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-2257

In re: SHAPAT AHDAWAN NABAYA, a/k/a Norman Abbott,
Petitioner.

On Petition for Extraordinary Writ.
(3:17-cr-00003-MHL-1)

Submitted: November 16, 2017

Decided: December 15, 2017

Before WILKINSON and SHEDD, Circuit Judges, and HAMILTON, Senior Circuit
Judge.

Petition denied by unpublished per curiam opinion.

Shapat Ahdawan Nabaya, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Shapat Ahdawan Nabaya petitions for a writ of error under the All Writs Act, 28 U.S.C. § 1651(a) (2012) seeking the dismissal of the criminal charges against him. He also seeks release on bail pending appeal. We conclude that Nabaya is not entitled to relief.

Federal courts “may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.” 28 U.S.C. § 1651(a) (2012). However, petitioners may not obtain relief under § 1651(a) when there is another available remedy. *See United States v. Swaby*, 855 F.3d 233, 238 (4th Cir. 2017); *United States v. Torres*, 282 F.3d 1241, 1245 (10th Cir. 2002). Because Nabaya may assert his claims following entry of a final judgment by the district court, relief under § 1651(a) is not warranted.

Accordingly, we deny the petition for writ of error and deny Nabaya’s motion for release pending appeal. 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