

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-2003

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

Petitioner.

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

Submitted: January 23, 2020

Decided: January 27, 2020

Before WYNN, DIAZ, and RICHARDSON, Circuit Judges.

Petition denied by unpublished per curiam opinion.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Unpublished opinions are not binding precedent in this circuit.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) (2018), seeking the dismissal of his criminal conviction and immediate release from prison. 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) (2018). 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 has asserted his claims in a motion pursuant to 28 U.S.C. § 2255 (2018), relief under § 1651(a) is not warranted.

Accordingly, although we grant Nabaya’s application to proceed in forma pauperis and we grant his motion for leave to amend, we deny the petition for writ of error as amended. 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