

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

December 10, 2008

No. 07-11126
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

RICHARD GREY KIRBY

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:92-CR-341-2

Before DAVIS, WIENER, and PRADO, Circuit Judges.

PER CURIAM:*

Richard Grey Kirby appeals the district court's denial of his petition for a writ of coram nobis. Kirby has not shown that the district court erred in denying relief on the basis that his claim was or could have been raised previously. See *United States v. Esobue*, 357 F.3d 532, 535 (5th Cir. 2004). Accordingly, the judgment of the district court is AFFIRMED.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.