

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 17-50057
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

January 4, 2018

Lyle W. Cayce
Clerk

CARLOS DAVID DOMINGUEZ,

Plaintiff-Appellant

v.

UNITED STATES OF AMERICA,

Defendant-Appellee

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:17-CV-5

Before KING, ELROD, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Carlos David Dominguez appeals the district court's denial of his petition for a writ of error *coram nobis*. Dominguez has completed his 110-month term of imprisonment but is still serving a 10-year term of supervised release.

At all times, this court must be assured of its jurisdiction and the district court's jurisdiction. *United States v. Key*, 205 F.3d 773, 774 (5th Cir. 2000). Because Dominguez is subject to an unexpired term of supervised release, he

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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is “in custody” and ineligible for *coram nobis* relief. *See United States v. Hatten*, 167 F.3d 884, 887 n.6 (5th Cir. 1999). We therefore affirm on the alternative ground that the district court lacked jurisdiction to consider Dominguez’s petition. *See United States v. Early*, 27 F.3d 140, 142 (5th Cir. 1994).

AFFIRMED.