NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

STEPHEN YAGMAN	No. 15-56836
Petitioner - Appellant,	D.C. No. 2:15-cv-07586-SVW-KS
v.	
UNITED STATES OF AMERICA	MEMORANDUM[*]
Respondent - Appellee.	

Appeal from the United States District Court
for the Central District of California
Stephen V. Wilson, District Judge, Presiding

Submitted July 8, 2016[**]
Pasadena, California

Before: CLIFTON and FRIEDLAND, Circuit Judges, and CHEN, District Judge.[***]

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[*] This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

[**] The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

[***] The Honorable Edward M. Chen, District Judge for the U.S. District Court for the Northern District of California, sitting by designation.

Petitioner-Appellant Stephen Yagman ("Yagman") appeals an order denying his motion for a preliminary injunction. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Yagman was convicted of tax evasion, bankruptcy fraud, and money laundering. This Court affirmed his conviction on appeal. *See United States v. Yagman*, 345 F. App'x 312 (9th Cir. 2009). Yagman filed a motion under 28 U.S.C. § 2255, collaterally attacking his bankruptcy conviction.[1] The district court denied the motion. This Court affirmed. Yagman then filed his first *coram nobis* petition, which the district court denied.

The instant (second) *coram nobis* petition is Yagman's third collateral attack on his bankruptcy conviction. With this petition, he moved for "preliminary and permanent injunctions against [the United States], and its agents, employees, agents, assigns, *etc.*, ordering them to vacate and prohibiting them from enforcing [Yagman's] criminal convictions or enforcing any laws based on those convictions . . . ." The district court denied this motion because Yagman "cannot show any likelihood of success on the merits" of his petition, because he "raise[d] the same arguments that ha[d] already been extensively considered and rejected."

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[1] Yagman objects to judicial notice of the Government's excerpts. His objection is overruled because courts may take notice of their own and inferior courts' records. *See United States v. Wilson*, 631 F.2d 118, 119 (9th Cir. 1980).

Yagman admits he brought these same arguments in his two prior collateral attacks on his conviction, as well as in his direct appeal and before the trial court in a motion to dismiss.

Successive section 2255 motions disguised as *coram nobis* petitions are not permitted. *See Matus-Leva v. United States*, 287 F.3d 758, 761 (9th Cir. 2002) (rejecting *coram nobis* petition because prisoner "may not resort to *coram nobis* merely because he has failed to meet the AEDPA's gatekeeping requirements. To hold otherwise would. . . enable prisoners to bypass the limitations and successive petitions provisions."). Because Yagman's petition asserts the same claims already rejected multiple times, the district court correctly concluded the instant *coram nobis* proceeding would fail on the merits. Yagman cannot establish "that he is likely to succeed on the merits." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *see also Johnson v. Cal. State Bd. of Accountancy*, 72 F.3d 1427, 1430 (9th Cir. 1995) (even under the alternative test "it must be shown as an irreducible minimum that there is a fair chance of success on the merits."). Nor did he establish the balance of hardships tips in his favor. *See Winter*, 555 U.S. at 20 (requiring a plaintiff to show "that he is likely to suffer irreparable harm . . . that the balance of equities tips in his favor, and that an injunction is in the public interest."); *Dollar Rent A Car v. Travelers Indem. Co.*, 774 F.2d 1371, 1374 (9th

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Cir. 1985). The district court correctly denied Yagman's motion for a preliminary injunction.

AFFIRMED.