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UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

STEPHEN YAGMAN,  
  
Petitioner,  
  
v.  
  
UNITED STATES OF AMERICA,  
  
Respondent.

No. CV 15-07586 SVW (KSx)  
  
FINAL JUDGMENT IN FAVOR OF THE  
UNITED STATES  
  
Hearing Date: January 29, 2018  
Hearing Time: 1:30 p.m.  
Location: Courtroom of the  
Hon. Stephen V.  
Wilson

The Court, having reviewed and considered Stephen Yagman's Motion for Entry of Final Judgment, the government's Response, and any Reply, as well as Yagman's Verified Petition For Writ Of Error *Coram Nobis* And For Declaratory Judgment (Dkt. 16), the government's Opposition (Dkt. 29), and the parties' arguments going to the merits of petitioner's claims of error as set forth in their filings concerning petitioner's prior motion for a preliminary and permanent injunction (Dkt. 17, 22, 27), as well as the files and records of this matter, petitioner's criminal case (2:06-cr-00227), petitioner's

1 28 U.S.C. § 2255 proceeding (2:10-cv-09033), and appellate  
2 proceedings arising out of these matters, hereby finds as follows:

3 1. The Court incorporates its prior orders in 2:10-cv-09033,  
4 Dkt. 87 (denying petitioner's 28 U.S.C. § 2255 petition) and 2:06-cr-  
5 00227, Dkt. 704 (denying petitioner's first request for coram nobis  
6 relief).

7 2. Petitioner cannot satisfy two of the required four  
8 prerequisites for obtaining coram nobis relief. First, petitioner  
9 cannot show he had a valid reason for not attacking his conviction  
10 earlier, because petitioner has, in fact, raised the same challenges  
11 before, principally in his § 2255 petition, and is therefore barred  
12 from litigating them again through a writ of *coram nobis*. Second,  
13 petitioner has not shown a fundamental error, that is, a fundamental  
14 factual error rendering the proceeding itself invalid or an egregious  
15 legal error.


16 3. Because the *coram nobis* petition fails, petitioner is not  
17 entitled to injunctive or declaratory relief. Moreover, a  
18 declaratory judgment is not an appropriate post-conviction remedy.

19 4. The *coram nobis* petition is denied, and judgment is entered  
20 in favor of the United States of America.

21 SO ORDERED this 25th day of January, 2018.

22  
23 January 25, 2018

24 DATE

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HONORABLE STEPHEN V. WILSON  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I, BELINDA B. TUNQUE, declare:

That I am a citizen of the United States and resident or employed in Los Angeles County, California; that my business address is the Office of United States Attorney, United States Courthouse, 312 North Spring Street, Los Angeles, California 90012; that I am over the age of eighteen years, and am not a party to the above-entitled action;

That I am employed by the United States Attorney for the Central District of California who is a member of the Bar of the United States District Court for the Central District of California, at whose direction I served a copy of: (PROPOSED) FINAL JUDGMENT IN FAVOR OF THE UNITED STATES

service was:

- [ ] Placed in a closed envelope, for collection and interoffice delivery addressed as follows:
[X] Placed in a sealed envelope for collection and mailing via United States Mail, addressed as follows:
[ ] By hand delivery addressed as follows:
[ ] By facsimile as follows:
[ ] By messenger as follows:
[ ] By federal express as follows:

Stephen Yagman
475 Washington Boulevard
Venice, CA 90292-5287

This Certificate is executed on January 8, 2018, at Los Angeles, California.

I certify under penalty of perjury that the foregoing is true and correct.

Handwritten signature of Belinda B. Tunque
BELINDA B. TUNQUE