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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID DANIEL CEPEDA,

Petitioner,

No. CIV S-04-cv-1899 LKK JFM (HC)

vs.

BRAD ESPINOZA, Warden,

Respondent.

ORDER

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On August 29, 2008, petitioner, a former state prisoner, requested that this court vacate his conviction. At the time of filing his request, petitioner had already been discharged from parole. See Doc. No. 68 at 2. This court, thus, denied petitioner’s motion on April 6, 2009 on the grounds that habeas relief was unavailable because petitioner was no longer in custody and, to the extent the motion could have been construed as a request for a writ of coram nobis, the court found that none of the factors warranting such relief were present.

Three years later, petitioner now renews his request that this court vacate his sentence. As before, the court is unable to grant the relief petitioner seeks, for the reasons stated in the court’s order of April 6, 2009.

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Accordingly, IT IS HEREBY ORDERED that petitioner's January 3, 2012 motion is denied. The Clerk of the Court is directed to close this case.

DATED: April 13, 2012.

  
LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT