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

DANE MYRON SCOTT,)	No. C 11-3135 LHK (PR)
)	
Petitioner,)	ORDER OF DISMISSAL
)	
vs.)	
)	
STATE OF CALIFORNIA, et al.,)	
)	
Respondents.)	
_____)	

Petitioner, a state prisoner proceeding *pro se* and currently incarcerated at CSATF / Corcoran II, filed a petition for writ of coram nobis. Petitioner has paid the filing fee.

The writ of error coram nobis affords a remedy to attack a conviction when the petitioner has served his sentence and is no longer in custody. *See Telink, Inc. v. United States*, 24 F.3d 42, 45 (9th Cir. 1994). Here, Petitioner cannot avail himself of coram nobis relief because he is still in custody. Moreover, while district courts are authorized to issue the writ in federal criminal matters pursuant to the All Writs Act, 28 U.S.C. § 1651(a), *United States v. Morgan*, 346 U.S. 502, 506 (1954); *United States v. Walgren*, 885 F.2d 1417, 1420 (9th Cir. 1989), “[c]oram nobis relief is not available in federal court to attack a state court conviction” *Casas-Castrillon v. Warden*, 265 Fed. App’x 639 (9th Cir. 2008) (unpublished memorandum disposition); *accord Hensley v. Municipal Court*, 453 F.2d 1252 n.2 (9th Cir. 1972), *reversed on other grounds*, 411 U.S. 345 (1973) (“We are unable to treat this petition as one seeking coram nobis relief because

1 [the petitioner] seeks to challenge a state court proceeding in federal court. Coram nobis lies only
2 to challenge errors occurring in the same court”).

3 Accordingly, the petition for writ of coram nobis is DISMISSED for lack of jurisdiction.
4 The Clerk shall close the file and enter judgment in this matter.

5 IT IS SO ORDERED.

6 DATED: 7/29/11


LUCY H. KOH
United States District Judge

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