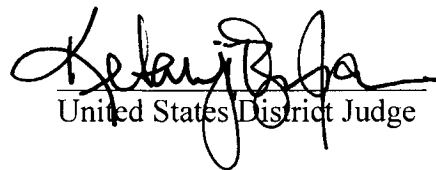


sentence under 28 U.S.C. § 2255. *See Taylor v. U.S. Bd. of Parole*, 194 F.2d 882, 883 (D.C. Cir. 1952) (stating that a motion to vacate under 28 U.S.C. § 2255 is the proper vehicle for challenging the constitutionality of a statute under which a defendant is convicted); *Ojo v. I.N.S.*, 106 F.3d 680, 683 (5th Cir. 1997) (explaining that the sentencing court is the only court with jurisdiction to hear a defendant’s complaint regarding errors that occurred before or during sentencing).

Petitioner’s appeal from the criminal court’s denial of his § 2255 is pending in the Court of Appeals. *See United States v. Becton*, No. 07-cr-00131 (D.D.C. Apr. 23, 2014), ECF No. 532 (order denying motion to vacate and certificate of appealability); Not. of Appeal, ECF No. 539. Because petitioner could have presented the instant claim in those proceedings, he is not entitled to a writ of error in *coram nobis*. *See Chaidez v. United States*, 133 S. Ct. 1103, 1106, n.1 (2013) (“A petition for a writ of *coram nobis* provides a way to collaterally attack a criminal conviction for a person . . . who is no longer ‘in custody’ and therefore cannot seek habeas relief under 28 U.S.C. § 2255 or § 2241) (citing *United States v. Morgan*, 346 U.S. 502, 507, 510–511 (1954)); *United States v. Hansen*, 906 F. Supp. 688, 692 (D.D.C. 1995) (in analyzing a request for a writ of error *coram nobis*, courts consider, among other factors, the availability of “a more usual remedy” and whether “valid reasons exist for not attacking the conviction earlier”). Consequently, this action will be dismissed. A separate order accompanies this Memorandum Opinion.


United States District Judge

Date: December 19, 2014