

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ DEC 14 2018 ★

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KRAVCHINA ROMAN,

BROOKLYN OFFICE

Petitioner,

DECISION & ORDER

v.

18-CV-6382

PEOPLE OF THE STATE OF NEW YORK,

Respondent.
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WILLIAM F. KUNTZ, II, United States District Judge:

On November 5, 2018, Kravchina Roman submitted a *pro se* petition for a writ of error coram nobis seeking to challenge his 2014 Richmond County, New York conviction under Indictment No. 56/2014. He asserts that his counsel was ineffective because counsel failed to help him understand the immigration consequences of his guilty plea.

Roman styles his challenge as a petition for a writ of error coram nobis, because he is no longer in custody on his 2014 conviction; thus, he cannot proceed under a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Roman cites multiple cases in support of using the writ of error coram nobis to challenge a *federal* conviction after the individual has served his sentence but still suffers from the consequences of the allegedly invalid conviction. *See, e.g., Dean v. United States*, 418 F. Supp. 2d 149, 152 (E.D.N.Y. 2006) (Trager, J.).

However, this Court does not have jurisdiction to grant a writ of error coram nobis challenging a *state* court judgment. *See Finkelstein v. Spitzer*, 455 F.3d 131, 133-34 (2d Cir. 2006) (federal courts lack jurisdiction to grant a writ of error coram nobis with respect to a judgment of a state court); *Obado v. New Jersey*, 328 F.3d 716, 718 (3d Cir. 2003) (agreeing with other circuits that coram nobis relief from previous state conviction is only available in state

court). Accordingly, the petition for a writ of error coram nobis is dismissed. The Clerk of Court is directed to enter judgment accordingly and close the case. The Court denies a certificate of appealability and certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal would not be taken in good faith. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED. 

s/William F. Kuntz, II


HON. WILLIAM F. KUNTZ, II
UNITED STATES DISTRICT JUDGE

Dated: December 14, 2018
Brooklyn, New York