

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JESUS SANDOVAL, #39494-177
Petitioner,

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v.

CIVIL NO. 3:17-CV-0393-M-BK
(Criminal No. 3:09-CR-00320-M-2)

UNITED STATES OF AMERICA,
Respondent.

**ORDER ACCEPTING FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made Findings, Conclusions, and a Recommendation in this case. No objections were filed. The District Court reviewed the proposed Findings, Conclusions, and Recommendation for plain error. Finding none, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate.

IT IS THEREFORE ORDERED the petition for writ of *coram nobis* is summarily **DISMISSED WITHOUT PREJUDICE** for want of jurisdiction, and that the petition, construed as a successive motion to vacate sentence under 28 U.S.C. § 2255, is **TRANSFERRED** to the United States Court of Appeals for the Fifth Circuit. *See* 28 U.S.C. § 2244(b)(3); 28 U.S.C. § 1631.¹

SO ORDERED this 21 day of March, 2017.


BARBARA M. G. LYNN
CHIEF JUDGE

¹ An order transferring a successive application to the court of appeals is not a final order requiring a certificate of appealability. *See United States v. Fulton*, 780 F.3d 683, 688 (5th Cir. 2015); *Brewer v. Stephens*, 605 Fed. Appx. 417 (5th Cir. 2015) (per curiam). In addition, a certificate of appealability is not required to appeal the denial of *coram nobis* relief. *See United States v. Dyer*, 136 F.3d 417, 429 n. 32 (5th Cir.1998) (distinguishing *coram nobis* remedy from habeas corpus); *United States v. Guerra*, 187 F. App'x 414, 415–16 (5th Cir.2006).