

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-1658

ROBERT DALEY,

Petitioner - Appellant,

v.

UNITED STATES OF AMERICA,

Respondent - Appellee.

Appeal from the United States District Court for the District of Maryland, at Greenbelt.
Paula Xinis, District Judge. (8:16-cv-02828-PX)

Submitted: March 8, 2019

Decided: March 27, 2019

Before WILKINSON and QUATTLEBAUM, Circuit Judges, and DUNCAN, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

C. Justin Brown, BROWN LAW, Baltimore, Maryland, for Appellant. Robert K. Hur,
United States Attorney, Baltimore, Maryland, Patrick G. Nemeroff, Special Assistant
United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Greenbelt,
Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert Daley appeals the district court's order denying his petition for a writ of error coram nobis. We affirm.

Federal courts are authorized to issue "all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law." 28 U.S.C. § 1651(a) (2012); *Bereano v. United States*, 706 F.3d 568, 575-76 (4th Cir. 2013). "The writ is narrowly limited to extraordinary cases presenting circumstances compelling its use to achieve justice." *United States v. Akinsade*, 686 F.3d 248, 252 (4th Cir. 2012) (internal quotation marks omitted). On appeal from the district court's denial of a petition for a writ of error coram nobis, we review factual findings for clear error, questions of law de novo, and the court's decision to deny the writ because the petitioner failed to demonstrate sound reasons for the delay for abuse of discretion. *Bereano*, 706 F.3d at 575; *Foont v. United States*, 93 F.3d 76, 79 (2d Cir. 1996).

To obtain coram nobis relief, the petitioner must satisfy the following four prerequisites:

First, a more usual remedy (such as habeas corpus) must be unavailable; second, there must be a valid basis for the petitioner having not earlier attacked his convictions; third, the consequences flowing to the petitioner from his convictions must be sufficiently adverse to satisfy Article III's case or controversy requirement; and, finally, the error that is shown must be of the most fundamental character.

Bereano, 706 F.3d at 576 (internal quotation marks omitted).

We conclude that the district court did not abuse its discretion in finding that Daley failed to show sound reasons for delay in seeking coram nobis relief. Accordingly,

we affirm. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED