

APPENDIX

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APPENDIX A

CV 21-7590-RSWL

CR 93-698-RSWL-1

CHRISTIAN NADAL,

Plaintiff,

v.

UNITED STATES.

Defendant.

ORDER RE:

MOTION FOR RECONSIDERATION [8]

ORDER TO SHOW CAUSE RE:

PRE-FILING APPROVAL

United States District Court
Central District of California

Dated: January 14, 2021.

Before: Ronald SW Lew, District Judge

Petitioner Christian Nadal ("Petitioner") brings this Motion for Reconsideration ("Motion") [8] Requesting that the Court reconsider its previous Order [7] denying Petitioner's Writ of Error Coram Nobis [1] and issue a declaratory judgment regarding whether the firearms at issue

in his 1993 criminal case were, in fact, illegal firearms under the law. Having reviewed all papers submitted pertaining to the Motion for Reconsideration, the Court **NOW FINDS AND RULES AS FOLLOWS:** the Court **DENIES** the Motion for Reconsideration and **ORDERS** Petitioner to show cause why he should not be deemed a vexatious litigant.

I. BACKGROUND

A. Factual Background

This matter arises from an underlying criminal action brought against Petitioner (then-defendant) in 1993. See generally Mot. for Reconsideration, ECF No. 8; Order re: Writ of Error Coram Nobis, ECF No. 7. The allegations against Petitioner concerned the manufacture and sale of illegal firearms and their parts. Order re: Writ of Error Coram Nobis. Following a jury trial before this Court, Petitioner was convicted of: (1) conspiracy to manufacture, transfer, and possess machineguns and silencers in violation of 18 U.S.C. Section 371; (2) transferring and possessing machineguns in violations of 18 U.S.C. Section 992(o)(1); and (3) transferring and possessing unregistered silencers in violation of 26 U.S.C. Section 5861(d) - (e). Id. This Court sentenced Petitioner to 96 months of imprisonment to be followed by three years of supervised release. Id.

B. Procedure Background

Petitioner appealed his convictions to the Ninth Circuit, arguing that he had been entrapped into selling illegal firearms to undercover Federal Bureau of Investigation ("FBI") agents. United States v. Nadal, 64 F.3d 667 (9th Cir. 1995). The Ninth Circuit affirmed his convictions, explaining that an acquittal based on entrapment as a matter of law could not be justified. Id. at 1. Petitioner then unsuccessfully sought certiorari in the U.S. Supreme Court. Nadal v. United States, 516 U.S. 1122 (1996).

On November 18, 1996, Petitioner filed a section 2255 motion [152] to vacate his sentence. On March 31, 1997, this Court denied [162] Petitioner's Section 2255 motion. The Ninth Circuit affirmed the denial. United States v. Nadal, 188 F.3d 516 (9th Cir. 1999). The U.S. Supreme Court again denied certiorari. Nadal v. United States, 531 U.S. 916 (2000).

On September 21, 2021, Petitioner filed a Writ of Error Coram Nobis, styled as a Writ of Habeas Corpus [1], before this Court. The Court denied [7] the Writ of Error Coram Nobis on December 15, 2021. On January 7, 2022, Petitioner filed a motion for Reconsideration [8] seeking a declaration from this Court as to whether the firearms at issue in his 1993 criminal case were, in fact, illegal firearms under the law.

II. DISCUSSION

A. Discussion

1. Motion for Reconsideration

The governing standards for a motion for reconsideration are set forth in Federal Rule of Civil Procedure ("Rule") 59(e) and Local Rule 7-18. See State Comp. Ins. Fund v. Drobot, 192 F.Supp. 3d 1080, 1116 (C.D. Cal. 2016). Local Rule 7-18 provides that:

A motion for reconsideration of an order on any motion or application may be made only on the grounds of (a) a material difference in fact or law from that presented to the Court that, in the exercise of reasonable diligence, could not have been known to the party moving for reconsideration at the time the Order was entered, or (b) the emergence of new material facts or a change of law occurring after the Order was entered, or (c) a manifest showing of a failure to consider material facts presented to the Court before the Order was entered.

C.D. Cal. R. 7-18.

Local Rule 7-18 further states that "[n]o motion for reconsideration may in any manner repeat any oral or written argument made in support of, or in opposition to, the original motion" and that "any motion for reconsideration must be filed no later than 14 days after entry of the Order that is subject of the motion or application." Id.

Here, Petitioner's Motion was filed more than 14 days after entry of the Court's Order denying Petitioner's Writ of Error Coram Nobis. Dismissal is warranted on this basis alone. Additionally, Petitioner's Motion is largely identical to his Writ of Error Coram Nobis. Compare Mot. For Reconsideration, with Writ of Error Coram Nobis. Petitioner's duplicative and repetitive Motion thus fails to meet the requirements under Local Rule 7-18 for a proper motion for reconsideration. To be clear, Petitioner does not state that a material difference in fact or law has occurred or otherwise demonstrate why the Court should revisit its Order denying Petitioner's Writ of Error Coram Nobis. See generally Mot. for Reconsideration. Rather, it appears that Petitioner has merely deleted a few sentences from his Writ of Error Coram Nobis and refiled the same as a Motion for Reconsideration. Accordingly, The Court **DENIES** the Motion for Reconsideration.

2. Order to Show Cause

"District courts have the inherent power to file restrictive pre-filing orders against vexatious litigants with abusive and lengthy histories of litigation." Weissman v. Quail Lodge, Inc., 179 F.3d 1194, 1197 (9th Cir. 1999) (citing De long v. Hennessey, 912 F.2d 1144, 1147-48 (9th Cir. 1990)). "Such pre-filing orders may enjoin the litigant from filing further actions or papers unless he or she first meets certain

requirements, such as obtaining leave of the court or filing declarations that support the merits of the case.” Id. The Ninth Circuit has recognized that “such pre-filing orders should rarely be filed.” De Long, 912 F2d at 1147. However, “[f]lagrant abuse of the judicial process cannot be tolerated because it enables one person to preempt the use of judicial time that properly could be used to consider the meritorious claims of other litigants.” Id. at 1148.

Given that Petitioner has raised, in several successive habeas petitions, arguments that have been rejected by this Court and others, Petitioner is ordered to show cause why he should not be required to obtain pre-filing approval before filing any future action that challenges any aspect of the underlying criminal proceedings. See L.R. 83-8. Petitioner shall file a written submission on or before February 14, 2022, explaining why he should not be deemed a vexatious litigant. Upon receiving any response, the matter will be taken under submission. Petitioner’s failure to file a timely response will be deemed consent to an order finding that he is a vexatious litigant.

III CONCLUSION

For the foregoing reasons, the Motion for Reconsideration is **DENIED**. As noted, on or before February 14, 2022, Petitioner shall file a written submission demonstrating why he should not be required

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to obtain pre-filing approval before filing any future action that challenges any aspect of the underlying criminal proceedings.

IT IS SO ORDERED.

Dated: January 14, 2021 /s/Ronald S.W. Lew
HONORABLE RONALD S.W. LEW
Senior U.S. District Judge

App. 8

APPENDIX B

CV 21-7590-RSWL
CR 93-698-RSWL-1

CHRISTIAN NADAL,

Plaintiff,

v.

UNITED STATES,

Defendant.

ORDER re:
PETITION FOR WRIT OF ERROR
CORAM NOBIS [1]

United States District Court
Central District of California

Dated: December 15, 2021.

Before: Ronald SW Lew, District Judge

Petitioner Christian Nadal ("Petitioner") brings this Petition [1] seeking to set aside his convictions related to the case, United States v. Nadal, 2-93-CR-698-RSWL (C.D. Cal. 1993). Having reviewed all papers submitted pertaining to the Petition. the Court **NOW FINDS AND RULES AS FOLLOWS:** the Court **DENIES** the Petition.

I. BACKGROUND

A. Factual Background

This Petition arises from an underlying criminal action brought against Petitioner (then-defendant) in 1993. See generally id. The allegations against Petitioner concerned the manufacturer and sale of illegal firearms and their parts. Id. Following a jury trial before this Court, Petitioner was convicted of: (1) conspiracy to manufacture, transfer, and possess machineguns and silencers, in violation of 18 U.S.C. Section 371; (2) transferring and possessing machineguns, in violation of 18 U.S.C. Section 992(o)(1); and (3) transferring and possessing unregistered silencers, in violation of 26 U.S.C. Section 5861(d) - (e). Id. This Court sentenced Petitioner to 96 months of imprisonment to be followed by three years of supervised release. Id.

B. Procedural Background

Petitioner appealed his convictions to the Ninth Circuit, arguing that he had been entrapped into selling illegal firearms to undercover Federal Bureau of Investigation ("FBI") agents. United States v. Nadal, 64 F.3d 667 (9th Cir. 1995). The Ninth Circuit affirmed his convictions, explaining that an acquittal based on entrapment as a matter of law could not be justified. Id. at 1. Petitioner then unsuccessfully sought certiorari in the U.S. Supreme Court. Nadal v. United States, 516 U.S. 1122 (1996).

On November 18, 1996, Petitioner filed a Section 2255 motion [152] to vacate his sentence. On March 31, 1997, this Court denied [162] Petitioner's Section 2255 motion. The Ninth Circuit affirmed the denial. United States v. Nadal, 188 F.3d 516 (9th Cir. 1999). The U.S. Supreme Court again denied certiorari, Nadal v. United States, 531 U.S. 916 (2000).

On September 21, 2021, Petitioner filed the present Petition, styled as a Writ of Habeas Corpus [1], before this Court. The United States opposed [5] the Petition on October 28, 2021. The Court received Petitioner's Reply [6] on December 6, 2021.

II. DISCUSSION

A. Discussion

As a preliminary matter, the Court must identify what relief Petitioner is seeking in his 97-page document styled as a habeas petition. The document lacks clarity, but Petitioner appears to be requesting: (1) a determination of whether the firearms at issue in his 1993 criminal case were, in fact, illegal firearms under the law; and (2) a reversal of his convictions. See generally Petition, ECF No. 1; Civil Cover Sheet, ECF No. 1-1; Reply, ECF No. 6. Given that Petitioner completed his 96-month sentence and three years

of supervised release in 2003, Petitioner is no longer in custody therefore cannot avail himself of habeas relief under either Section 2241 or Section 2255.¹ See Maleng v. Cook, 490 U.S. 488, 492 (1989) (“While we have very liberally construed the ‘in custody’ requirement for purposes of federal habeas, we have never extended it to the situation where a habeas petitioner suffers no present restraint from a conviction.”); see also 28 U.S.C. 2255(a) (noting that a motion to vacate or set aside a federal sentence is available only to prisoners still in custody). Accordingly, because Petitioner is not in custody, the Petition is appropriately analyzed as a writ of coram nobis. United States v. Kroytor, 977 F.3d 957, 961 (9th Cir. 2020) (“A 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.”) (internal quotation marks and citation omitted).

A writ of error coram nobis “aids those suffering from lingering collateral consequences of an unconstitutional or unlawful conviction based on errors

¹ Petitioner additionally is not entitled to Section 2255 relief because the Petition was not filed within the one-year limitations period as required under the statute. See 28 U.S.C. Section 2255(f). Further, Petitioner previously moved for Section 2255 relief, which renders the present Petition an improper second or successive motion because it lacks certification. See 28 U.S.C. Section 2255(h) (noting that a second or successive Motion brought under Section 2255(h) must be certified pursuant to Section 2244).

of fact and egregious legal errors.” Id. (internal quotation marks and citation omitted). “Coram nobis is an extraordinary remedy available only under circumstances compelling such action to achieve justice.” Id. (quoting United States v. Morgan, 346 U.S. 502, 511 (1954) (internal quotation marks omitted)). To qualify for coram nobis relief, a petitioner must show that: (1) a “more usual remedy” is not available; (2) valid reasons exist for the delay in challenging the conviction; (3) adverse consequences from the conviction exist sufficient to satisfy the case or controversy requirement of Article III; and (4) the error is of the “most fundamental” character. Id. (citation omitted). “[F]ailure to meet any one of [these requirements] is fatal.” Matus-Leva v. United States, 287 F.3d 758, 760 (9th Cir. 2002) (citing United States v. McClelland, 941 F.2d 999, 1002 (9th Cir. 1991)). The United States argues that Petitioner fails to meet the second and fourth requirements for coram nobis relief. Opp’n at 10: 11-12. The Court agrees.

With regard to the second requirement, Petitioner has not shown valid reasons for his delay in filing the present coram nobis petition. Petitioner could have moved for coram nobis relief any time after his supervised release ended in 2003 but did not do so. His nebulous 97-page “habeas” petition is devoid of any discussion regarding the near twenty-year delay in filing the present Petition.

See generally Petition. Petitioner's Reply is similarly lacking. See generally Reply. As such, the Court **DENIES** the Petition on this basis. See, e.g., Matus-Leva, 287 F.3d at 760 (noting that courts have denied coram nobis relief "where the petitioner has delayed for no reason whatsoever"; see also Maghe v. United States, 710 F.2d 503, 503-04 (9th Cir. 1983) (affirming denial of writ of error coram nobis where the petitioner "failed to allege an adequate basis justifying his 25-year delay in seeking relief").

The Court also finds that Petitioner has not satisfied the fourth requirement for coram nobis relief. Contrary to Petitioner's allegations, there was no fundamental error regarding Petitioner's conviction. Petitioner has repeatedly argued that he was entrapped, as a matter of law, into committing the target offenses. See generally Petition. However, as the Ninth Circuit found on appeal, "a reasonable jury could have concluded that [Petitioner] was predisposed to arms trafficking, because far from being reluctant to interact with the FBI agents, he appeared willing to engage in the weapons trade." United States v. Nadal, 64 F.3d 667 (9th Cir. 1995). Therefore, the Ninth Circuit declined to disturb the jury's findings on appeal. Id. The Court accordingly finds that there was no fundamental error here and **DENIES** the Petition on this separate basis.

Further, courts in this circuit have denied coram

nobis relief where the petitioner “appears to be abusing the writ,” Matus-Leva, 287 F.3d at 760, or “attempt[s] to re-litigate claims or circumvent procedural bars.” United States v. Kwan, 407 F.3d 1005, 1013 (9th Cir. 2005). Such is the case here. Considering that Petitioner filed a near-identical document to the present Petition in the District of Utah, Nadal v. United States, No. CV 18-69, and has attempted to repeatedly re-litigate his convictions in this Court and others, the Court **DENIES** the Petition on this additional basis.

In sum, the Court **DENIES** the Petition. As stated, coram nobis relief is only available in extra-ordinary circumstances to correct “egregious legal errors.” Petitioner has not made such a showing here.

III. CONCLUSION

Based on the foregoing, the Court **DENIES** Petitioner’s Writ of Error Coram Nobis.

IT IS SO ORDERED.

DATED: December 15, 2021 /s/Ronald S.W. Lew
HONORABLE RONALD S.W. LEW
Senior U.S. District Judge

App. 15

APPENDIX C

CV 21-7590-RSWL
CR 93-698-RSWL-1

CHRISTIAN NADAL,

Petitioner,

v.

UNITED STATES,

Respondent.

ORDER re:
ORDER TO SHOW CAUSE re:
PRE-FILING APPROVAL [11]

United States District Court
Central District of California

Dated: March 2, 2022

Before: Ronald SW Lew, District Judge

On January 14, 2021, this Court Ordered Petitioner Christian Nadal ("Petitioner") to show cause [9] why he should not be deemed a vexatious litigant. Having reviewed all papers submitted pertaining to the Order to Show Cause, the Court **NOW FINDS AND RULES AS FOLLOWS:** the Court **DEEMS** Petitioner a vexa-

tious litigant. Accordingly, he must obtain pre-filing approval before filing any future action that challenges any aspect of the underlying criminal proceedings.

I. BACKGROUND

A. Factual Background

This matter arises from an underlying criminal action brought against Petitioner (then-defendant) in 1993. See generally Mot. for Reconsideration, ECF No. 8; Order re: Writ of Error Coram Nobis, ECF No. 7. The allegations against Petitioner concerned the manufacture and sale of illegal firearms and their parts. Order re: Writ of Error Coram Nobis. Following a jury trial before this Court, Petitioner was convicted of: (1) conspiracy to manufacture, transfer, and possess machineguns and silencers in violation of 18 U.S.C. Section 371; (2) transferring and possessing machineguns in violation of 18 U.S.C. Section 992(o)(1); and (3) transferring and possessing unregistered silencers in violation of 26 U.S.C. Section 5861 (d)-(e). Id. This Court sentenced Petitioner to 96 months of imprisonment to be followed by three years of supervised release. Id.

B. Procedural Background

Petitioner appealed his convictions to the Ninth Circuit, arguing that he had been entrap-

ped into selling illegal firearms to undercover Federal Bureau of Investigation ("FBI") agents. United States v. Nadal, 64 F.3d 667 (9th Cir. 1995). The Ninth Circuit affirmed his convictions, explaining that an acquittal based on entrapment as a matter of law could not be justified. Id. at 1. Petitioner then unsuccessfully sought certiorari in the U.S. Supreme Court. Nadal v. United States, 516 U.S. 1122 (1996).

On November 18, 1996, Petitioner filed a Section 2255 motion [152] to vacate his sentence. On March 31, 1997, this Court denied [162] Petitioner's Section 2255 motion. The Ninth Circuit affirmed the denial. United States v. Nadal, 188 F.3d 516 (9th Cir. 1999). The U.S. Supreme Court again denied certiorari. Nadal v. United States, 531 U.S. 916 (2000).

On September 21, 2021, Petitioner filed a Writ of Error Coram nobis, styled as a Writ of Habeas Corpus [1], again challenging his sentence before this Court. The court denied [7] the Writ of Error Coram Nobis on December 15, 2021. On January 7, 2022, Petitioner filed a Motion for Reconsideration [8] seeking a declaration from this Court as to whether the firearms at issue in his 1993 criminal case were, in fact, illegal firearms under the law. On January 14, 2022, this Court denied [9] Petitioner's Motion for reconsideration and ordered Petitioner to show cause why he should not be

deemed a vexatious litigant. On February 14, 20-22, Petitioner responded [11] to the Order to show cause.

Petitioner has attempted to relitigate this case outside this Court as well. His related cases outside of this court include the following:

- * CV 97-01096: Nadal v. Adams filed in the District of Arizona. See Nadal v. Adams, 156 F.3d 1238 (9th Cir. 1998) (affirming dismissal of Section 2241 petition as barred under section 2255).
- * CV 98-2986: Nadal v. Campbell, et al. (dismissing case for lack of jurisdiction).
- * CV 01-2580: Nadal v. Andrews (dismissing Section 2241 petition as barred by Section 22-55).
- * CV 04-10494: Nadal v. Jessner (dismissing action with prejudice).
- * CV 18-69 Nadal v. United States filed in the District of Utah (dismissing case with prejudice for lack of jurisdiction).

II. DISCUSSION

A. Legal Standard

1. Pre-filing Approval

"District courts have the inherent power to file restrictive pre-filing orders against vexatious litigants with abusive and lengthy histories of litigation." Weissman v. Quail Lodge, Inc., 179 F.

3d 1194, 1197 (9th Cir. 1999) (citing De long v. Hennessey, 912 F.2d 1144, 1147-48 (9th Cir. 1990)). "Such pre-filing orders may enjoin the litigant from filing further actions or papers unless he or she first meets certain requirements, such as obtaining leave of the court filing declarations that support the merits of the case." Id. The Ninth Circuit has recognized that "such pre-filing orders should rarely be filed." De long, 912 F2d at 1147. However, "[f]lagrant abuse of the judicial process cannot be tolerated because it enables one person to preempt the use of judicial time that properly could be used to consider the meritorious claims of other litigants." Id. at 1148.

In assessing whether a party should be deemed a vexatious litigant, a court is to follow an appropriate process:

When district courts seek to impose pre-filing restrictions, they must: (1) give litigants notice and an opportunity to oppose the order before it [is] entered; (2) compile an adequate record for appellate review, including a listing of all the cases and motions that led the district court to conclude that a vexatious litigant order was needed; (3) make substantive findings of frivolousness or harassment; and (4) tailor the order narrowly so as to closely fit the specific vice encountered.

Ringgold-Lockhart v. Cty of los Angeles, 761 F.3d 1057, 1062 (9th Cir. 2014) (internal quotation marks omitted) (alteration in original).

One purpose of the Local Rules of this District is “to discourage vexatious litigation and to provide persons who are subjected to vexatious litigation with security against the costs of defending against such litigation.” L.R. 83-8.1. Therefore, a bench officer may, sua sponte , conclude that a party is a vexatious litigant, provided that the party has an opportunity to be heard on the issue. Based on a review of any response and other relevant information, where warranted by the standards, the bench officer may direct the Court clerk not to accept further filings from the party “without written authorization from a judge of the Court or a Magistrate Judge, issued upon such showing of the evidence supporting the claim as the judge may require.” L.R. 83-8.2. Any such order must be “based on a finding that the litigant to whom the order is issued has abused the court’s process and is likely to continue such abuse, unless protective measures are taken.” L.R. 83-8.3.

B. Discussion

In several successive filings, petitioner has raised arguments that were previously rejected in the orders on his prior habeas and coram nobis

petitions and orders dismissing his actions. Petitioner has not shown why these successive filings, which have consumed substantial and unnecessary judicial resources, are not redundant and without a legal basis. Access to justice is important. However, baseless and repetitive claims are not. See 28 U.S.C. Section 1651(a); De long, 912 F.3d at 1147; Ringgold-Lockhart, 761 F.3d at 1062; L.R. 83-8.1. Petitioner has abused the judicial process by raising the same arguments repeatedly in successive habeas petitions and lawsuits. Therefore, this conduct is likely to continue absent the imposition of appropriate, restrictive measures.

Consequently, Petitioner is declared a vexatious litigant with respect to all proceedings in this District concerning the underlying criminal action. Corresponding injunctive relief is necessary and appropriate to ensure that he will not continue to abuse the judicial process through filings that require an unnecessary expenditure of substantial judicial resources. Any complaint or other pleading proffered by Petitioner with respect to the underlying criminal action shall be presented for pre-filing review by a Magistrate Judge. Unless and until that magistrate Judge approves the filing of the pleading by determining that it has merit, the Court Clerk shall not accept the filing. That restriction applies to any proffered pleading that concerns the underlying

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criminal proceeding, including motions brought pursuant to Federal Rule of civil Procedure 60, In CV 21-7590-RSWL and CR 93-698-RSWL-1.

All documents proffered for filing by Petitioner that are within the scope of this Order shall include the following statement in the caption, in the following font: **"THIS FILING IS SUBJECT TO A VEXATIOUS LITIGANT PRE-FILING ORDER."**

III. CONCLUSION

For the reasons stated in this Order, Petitioner is deemed a vexatious litigant who is subject to the terms and limitations stated herein.

IT IS SO ORDERED.

DATED: March 2, 2022 /s/Ronald S.W. Lew
HONORABLE RONALD S.W. LEW
Senior U.S. District Judge

App. 23

APPENDIX D

**MEMORANDUM OPINION
OF THE NINTH CIRCUIT COURT OF
APPEALS
FILED NOVEMBER 22, 2022**

**IN THE UNITED STATES NINTH CIRCUIT
COURT OF APPEALS**

November 15, 2022, Submitted;
November 22, 2022, Filed

No. 22-55262

D.C. Nos. 2:21-cv-07590-RSWL;
2:93-cr-00698-RSWL-1

**CHRISTIAN GILBERT TONY NADAL, AKA
Christian Gilbert Tony Nadal,**

Petitioner-Appellant,

v.

UNITED STATES OF AMERICA,

Respondent-Appellee.

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APPENDIX D

No. 22-55262
D.C. Nos. 2:21-cv-07590-RSWL
2:93-cr-00698-RSWL-1

CHRISTIAN GILBERT TONY NADAL, AKA
Christian Gilbert Tony Nadal,

Petitioner-Appellant,

v.

UNITED STATES OF AMERICA,

Respondent-Appellee.

MEMORANDUM

Appeal from the United States District Court
For the Central District of California
Ronald S.W. Lew, District Judge, Presiding

Submitted November 15, 2022

Before: CANBY, CALLAHAN, AND BADE, Circuit
Judges.

Former federal prisoner Christian Gilbert Tony Nadal appeals pro se from the district court's order denying his petition for a writ of error coram nobis and motion for reconsideration, and declaring him a vexatious litigant and requiring pre-filing review.

We have jurisdiction under 28 U.S.C. Section 1291, and we affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34a(a)(2).

Nadal first contends that he is entitled to coram nobis relief because he is actually innocent. Reviewing de novo, we conclude that the district court properly denied relief because Nadal did not demonstrate an error of the most fundamental character. See *United States v. Riedl*, 496 F.3d 1003, 1005-06 (9th Cir. 2007)(stating standard of review and requirements for coram nobis relief). For the same reason the district court did not abuse its discretion in denying reconsideration. See *Sch. Dist. No. 1J, Multnomah Cnty., Or. V. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th Cir. 1993). Nadal also challenges the pre-filing order, contending he has the right to collaterally attack his conviction because the courts have not yet addressed his request for declaratory relief. The district court did not abuse its discretion. See *De Long v. Hemnes-Sey*, 912 F.2d 1144, 1146 (9th Cir. 1990). Prior to declaring Nadal a vexatious litigant, the district court provided Nadal notice and an opportunity to oppose the order.

The Court then made an adequate record of the numerous cases and motions over the past 28 years that led the court to conclude a pre-filing order was needed, made substantive findings of frivolousness based on Nadal's baseless and repetitive filings, and issued a narrowly tailored order that applies only to proceedings concerning his 1993 conviction. On this record, the pre-filing order was proper. *See is.* at 1147-48 (describing procedural requirements a district court must follow before issuing a pre-filing order).

AFFIRMED.

CERTIFICATE OF COMPLIANCE WITH WORD COUNT

CERTIFICATE OF COMPLIANCE

NO. 20-__

CHRISTIAN GILBERT TONY NADAL,

PETITIONER,

V.

UNITED STATES OF AMERICA,

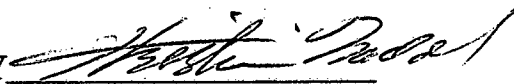
RESPONDENT.

As required by Supreme Court Rule 33.1(h), I certify to the best of my knowledge that the petition for a writ of certiorari contains less than 9,000 words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on MAY 15, 2023.

BY



Christian Nadal

