

United States Court of Appeals
for the Fifth Circuit

No. 22-40353
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

November 29, 2022

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ISAAC KIPKURUI BIEGON,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:00-CR-31-6

Before STEWART, DUNCAN, and WILSON, *Circuit Judges.*

PER CURIAM:*

Isaac Kipkurui Biegon was convicted by a jury of conspiracy to commit interstate transportation of stolen property and interstate transportation of stolen property. He was sentenced in May 2001, to concurrent nine-month terms of imprisonment, followed by a three-year term of supervised release.

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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No longer in custody, in March 2022, Biegon filed a pro se petition for a writ of error coram nobis. The district court denied the coram nobis petition; further, the district court treated Biegon's "Amended Petition" as a motion for reconsideration, which it also denied.

On appeal, Biegon argues that the district court erred in denying coram nobis relief. He contends that he is innocent and that he was denied the right to a fair trial, resulting in a miscarriage of justice. Renewing issues raised in the district court, Biegon claims that, in connection with his convictions, the Government committed various forms of prosecutorial misconduct, that his trial counsel was ineffective in several respects, and that his retained appellate counsel failed to pursue his direct appeal. He avers that he became motivated to pursue these claims attacking his convictions in May 2021, after his application to enroll in a program to pursue a law degree was denied on account of his conviction record.

As the district court determined, Biegon filed a 28 U.S.C. § 2255 motion in 2001, which was dismissed without prejudice for failure to prosecute. The district court determined that Biegon was not entitled to coram nobis relief because he would have been aware of his claims concerning his conviction at the time he filed his § 2255 motion, and that Biegon had not shown that he could not have reasonably pursued his claims at that time.

On appeal, Biegon notes that he litigated his § 2255 motion on a pro se basis, and he asserts that he lacked the necessary legal knowledge to raise his claims. However, as we have noted, § 2255 motions "routinely involve pro se litigants." *Alford v. United States*, 709 F.2d 418, 425 (5th Cir. 1983). Biegon fails to establish that sound reasons exist for his failure to seek appropriate relief earlier. *See United States v. Dyer*, 136 F.3d 417, 422 (5th Cir. 1998). Because the claims he now advances reasonably could have been raised in his § 2255 motion, Biegon fails to make the required showing of a

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complete miscarriage of justice. *See United States v. Esobue*, 357 F.3d 532, 535 (5th Cir. 2004).

In view of the foregoing, the judgment of the district court is **AFFIRMED**.