

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 22 2019

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

CLARENCE RUDOLPH ADOLPHUS,
AKA Seal A,

Petitioner-Appellant,

v.

UNITED STATES OF AMERICA,

Respondent-Appellee.

No. 17-56694

D.C. Nos. 2:16-cv-08800-CAS
2:04-cr-00402-CAS-1

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Christina A. Snyder, District Judge, Presiding

Submitted August 19, 2019**

Before: SCHROEDER, PAEZ, and HURWITZ, Circuit Judges.

Clarence Rudolph Adolphus appeals from the district court's order denying his petition for a writ of error coram nobis. We have jurisdiction under 28 U.S.C. § 1291. Reviewing de novo, *see United States v. Riedl*, 496 F.3d 1003, 1005 (9th Cir. 2007), 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. 34(a)(2).

Adolphus's petition for a writ of error coram nobis raises several contentions of error in connection with his 2007 guilty-plea conviction for conspiracy to distribute controlled substances and conspiracy to launder money. But Adolphus is still in custody in connection with that conviction. *See United States v. Monreal*, 301 F.3d 1127, 1132 (9th Cir. 2002) (petitioner is in custody if he has not yet completed his term of supervised release). "A person in custody may seek relief pursuant to 28 U.S.C. § 2255." *Matus-Leva v. United States*, 287 F.3d 758, 761 (9th Cir. 2002). Therefore, the district court correctly determined that Adolphus cannot avail himself of coram nobis relief because he cannot show that a more usual remedy is unavailable to attack his conviction. *See id.* at 760-61.

Adolphus's motion to file a corrected opening brief and excerpts of record is granted. The clerk will strike the brief at Docket Entry No. 19 and file the brief and excerpts of record at Docket Entry No. 30.

AFFIRMED.