

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 25 2022

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 21-35359

Plaintiff-Appellee,

D.C. No. 2:03-cr-00129-RMP-1

v.

ROSHON E. THOMAS, AKA Rollin Roy
Phillips,

MEMORANDUM*

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Washington
Rosanna Malouf Peterson, District Judge, Presiding

Submitted January 19, 2022**

Before: SILVERMAN, CLIFTON, and HURWITZ, Circuit Judges.

Roshon E. Thomas appeals pro se 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. We review de novo, *see United States v. Riedl*, 496 F.3d 1003, 1005 (9th Cir. 2007), 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. 34(a)(2).

Thomas contends that his 2004 conviction for possession with intent to distribute cocaine must be vacated because he received ineffective assistance of counsel in connection with a suppression motion. We agree with the district court that this claim, which Thomas raised unsuccessfully in two prior 28 U.S.C. § 2255 motions, does not warrant the “highly unusual remedy” of coram nobis relief. *See Riedl*, 496 F.3d at 1005-06 (listing requirements for coram nobis relief).

Thomas’s motion to supplement and correct his reply brief is granted. The Clerk will file the supplemental reply brief received at Docket Entry No. 19.

AFFIRMED.