

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-20304
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FELIX ARANEDA,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-90-CR-0095-1
USDC No. H-96-CV-2538
- - - - -

October 20, 1999

Before JONES, WIENER, and STEWART, Circuit Judges.

PER CURIAM:*

Felix Araneda (#52447-079), has applied for a certificate of appealability ("COA") for an appeal from the dismissal of his petition for a writ of coram nobis. Araneda's request for a COA is DENIED AS UNNECESSARY. Araneda's motions for a preliminary injunction and temporary restraining order are also DENIED.

The writ of coram nobis is an extraordinary remedy available to a petitioner no longer in custody who seeks to vacate his criminal conviction in circumstances where he can demonstrate

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

that he is suffering civil disabilities as a consequence of the conviction and that the challenged error is of sufficient magnitude to justify extraordinary relief. Jimenez v. Trominski, 91 F.3d 767, 768 (5th Cir. 1996). As Araneda cannot prevail on his ineffective-assistance-of-counsel claims, he is not entitled to coram nobis relief and the appeal is DISMISSED AS FRIVOLOUS. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2.

COA DENIED AS UNNECESSARY; PRELIMINARY INJUNCTION and TEMPORARY RESTRAINING ORDERS DENIED; APPEAL DISMISSED.