

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-10831
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LARRY D. HOLLAND,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:93-CV-2183-D (3:87-CR-87 D)

- - - - -
(January 26, 1995)

Before POLITZ, Chief Judge, and HIGGINBOTHAM and DeMOSS,
Circuit Judges.

PER CURIAM:*

The writ of coram nobis is an "extraordinary remedy," available to a petitioner no longer in custody who seeks to vacate his conviction. United States v. Castro, 26 F.3d 557, 559 (5th Cir. 1994) (citation omitted). To obtain coram nobis relief, the petitioner must demonstrate (1) that he is suffering civil disabilities as a consequence of the criminal conviction and (2) that the challenged error is of sufficient magnitude to justify the extraordinary relief. Id.; United States v.

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

Marcello, 876 F.2d 1147, 1154 (5th Cir. 1989). The remedy of coram nobis "should issue to correct only errors which result in a complete miscarriage of justice." Marcello, 876 F.2d at 1154 (citation omitted). "An error of 'the most fundamental character' must have occurred and no other remedy may be available." Id. (citation omitted).

Larry D. Holland has failed to carry his burden of demonstrating that he is suffering civil disabilities as a consequence of his conviction. Moreover, he has failed to even make the allegation that he has suffered any type of civil disability. In his appellate brief, he did not address the district court's denial of his petition as one for writ of error coram nobis and the reasons therefor; he merely reasserted the same arguments that he presented to the district court in the petition. Because Holland has not demonstrated that the district court erred by denying the writ, the decision of the district court is AFFIRMED.