

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 18-30355
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 29, 2019

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MOHAMED ADMED HASSAN OMRAN,

Defendant-Appellant

Appeals from the United States District Court
for the Western District of Louisiana
USDC No. 1:14-CR-35-1

Before KING, SOUTHWICK, and ENGELHARDT, Circuit Judges.

PER CURIAM:*

We have already resolved one appeal by Mohamed Admed Hassan Omran from the district court's denial of his motion for a writ of *coram nobis*. See *United States v. Omran*, 730 F. App'x 237, 238 (5th Cir. 2018). On November 21, 2017, just six weeks after he filed the first appeal but before we had ruled, Omran filed a second motion for writ of *coram nobis* in the district court. The district court denied the second motion on March 5, 2018, holding

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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that it had no jurisdiction due to the pendency of the first appeal. On March 15, 2018, Omran filed an appeal from that second denial order. That is the appeal before us now.

We resolved the first appeal by affirming the district court on July 10, 2018, almost four months after Omran filed his second appeal. Our mandate issued on August 1, 2018.

As to the current appeal, we remanded the case to the district court on November 21, 2018, for the limited purpose of permitting that court to rule on Omran's request to proceed *in forma pauperis*. On December 11, 2018, the district court entered an order granting leave to proceed *IFP*, and the case returned to us.

Omran raised the same issues in his second, November 2017 motion for writ of error *coram nobis* that he had raised in his appeal of the denial of the first motion. Because the matters in the second motion were central to that first appeal, Omran's notice of appeal as to the denial of his first motion divested the district court of jurisdiction over Omran's second motion. *See Ross v. Marshall*, 426 F.3d 745, 751 (5th Cir. 2005). That is what the district court held in March 2018.

The judgment of the district court is AFFIRMED.