

Certiorari dismissed, May 16, 2011

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 10-1935**

---

In Re: ROSARIO A. FIORANI, JR.,

Petitioner.

---

On Petition for Writ of Coram Nobis.  
(1:98-cr-00340-JCC-1)

---

Submitted: September 30, 2010

Decided: October 8, 2010

---

Before NIEMEYER, AGEE, and KEENAN, Circuit Judges.

---

Petition denied by unpublished per curiam opinion.

---

Rosario A. Fiorani, Jr., Petitioner Pro Se.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rosario A. Fiorani, Jr., petitions this court for a writ of error coram nobis pursuant to 28 U.S.C. § 1651(a) (2006). In his petition, Fiorani alleges that his conviction is unconstitutional and seeks an order from this court vacating his conviction.

A writ of error coram nobis can be used to vacate a conviction when there is a fundamental error resulting in conviction, and no other means of relief is available. See United States v. Denedo, 129 S. Ct. 2213, 2221 (2009). But see Carlisle v. United States, 517 U.S. 416, 429 (1996) (noting "it is difficult to conceive of a situation in a federal criminal case today where a writ of coram nobis would be necessary or appropriate.") The remedy is also limited to petitioners who are no longer in custody pursuant to their conviction. See Carlisle, 517 U.S. at 429.

Fiorani's petition seeks to challenge his federal conviction, raising claims that have been repeatedly presented in Fiorani's post-conviction motions, and rejected by this court. We conclude that Fiorani fails to establish that his conviction is invalid. Accordingly, although we grant Fiorani leave to proceed in forma pauperis, we deny the petition for a writ of error coram nobis. We dispense with oral argument because the facts and legal contentions are adequately presented

in the materials before the court and argument would not aid the decisional process.

PETITION DENIED