

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-1838

In Re: JOHN GLENN BARTLEY,

Petitioner.

On Petition for Writ of Error Coram Nobis.
(1:15-cr-00018-IMK-MJA)

Submitted: October 13, 2016 Decided: October 17, 2016

Before NIEMEYER, DUNCAN, and WYNN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

John Glenn Bartley, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

John Glenn Bartley petitions this court for a writ of error coram nobis pursuant to 28 U.S.C. § 1651(a) (2012). In his petition, Bartley seeks from this court an order for a new trial and different housing in a low-level security camp.

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. United States v. Denedo, 556 U.S. 904, 911 (2009). The remedy also is limited to petitioners who are no longer in custody pursuant to their conviction. See Carlisle v. United States, 517 U.S. 416, 429 (1996). "As a remedy of last resort, the writ of error coram nobis is granted only where an error is of the most fundamental character and there exists no other available remedy." United States v. Akinsade, 686 F.3d 248, 252 (4th Cir. 2012) (internal quotation marks omitted).

We conclude that Bartley fails to establish that he is entitled to a writ of error coram nobis. Accordingly, although we grant Bartley 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 this court and argument would not aid the decisional process.

PETITION DENIED