

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MARVIN B. DAVIS, JR.,

Petitioner,

v.

CASE NO. 04-3005-SAC

RAY ROBERTS, et al.,

Respondents.

O R D E R

Petitioner initiated this action on a form petition for writ of habeas corpus under 28 U.S.C. § 2254. Petitioner modified the form to seek relief as well under 28 U.S.C. §§ 2241 and 1651. By order and judgment dated January 14, 2004, the court dismissed petitioner's application as time barred. By orders dated August 4 and November 15, 2004, the court denied petitioner's motions for reconsideration in which petitioner had complained in part that his request for a writ of *coram nobis* under 28 U.S.C. 1651 had not been addressed.

In a decision handed down September 21, 2005, the United States Court of Appeals for the Tenth Circuit denied certificates of appealability on petitioner's claims under 28 U.S.C. §§ 2241 and 2254, and affirmed this court's denial of petitioner's motions for reconsideration. The Tenth Circuit Court also denied petitioner's request for a writ of *corum nobis*, citing settled law in this circuit that federal courts have no jurisdiction to issue writs of *coram nobis* under 28 U.S.C. 1651 with respect to

state criminal judgments.

The circuit court's judgment, filed November 30, 2005, remanded the case to this court for further proceedings in accordance with the September 21, 2005, decision. Having reviewed the record, the court finds all claims raised by petitioner in this matter have now been considered and rejected, and finds no further action is required. The denial of all relief requested by petitioner is now final.

IT IS SO ORDERED.

DATED: This 1st day of December 2005 at Topeka, Kansas.

s/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge