

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 09-15974  
Non-Argument Calendar

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| FILED<br>U.S. COURT OF APPEALS<br>ELEVENTH CIRCUIT<br>MAY 24, 2010<br>JOHN LEY<br>CLERK |
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D. C. Docket No. 05-20251-CR-ASG

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ANTHONY L. JERDINE,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Florida

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(May 24, 2010)

Before CARNES, PRYOR and MARTIN, Circuit Judges.

PER CURIAM:

Anthony Lewis Jerdine, a felon on supervised release, appeals pro se the

denial of his petition for a writ of error coram nobis under the All Writs Act. 28 U.S.C. § 1651(a). Jerdine argued that his conviction was void because the statute that conferred jurisdiction on the district court, 18 U.S.C. § 3231, was unconstitutional. We affirm.

The All Writs Act gives federal courts authority to issue “all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.” 28 U.S.C. § 1651(a). A district court may issue a writ of error coram nobis only if “there is and was no other available avenue of relief” and “the error involves a matter of fact of the most fundamental character which has not been put in issue or passed upon and which renders the proceeding itself irregular and invalid.” Alikhani v. United States, 200 F.3d 732, 734 (11th Cir. 2000). We review the denial of a writ of error coram nobis for abuse of discretion. Id.

The district court did not abuse its discretion by denying Jerdine a writ of error coram nobis. Jerdine had available other means to challenge his conviction, and he previously challenged without success the jurisdiction of the district court in a petition for a writ of mandamus, In re Jerdine, No. 06-11534 (11th Cir. June 8, 2006), and a motion to vacate, Jerdine v. United States, No. 09-16240 (11th Cir. Apr. 21, 2010). See Alikhani, 200 F.3d at 734. Jerdine argues on appeal that he

also is entitled to relief because he was effectively denied counsel during his guilty plea proceedings and his guilty plea was not knowingly and voluntarily made, but we will not consider these arguments for the first time on appeal. See Tannenbaum v. United States, 148 F.3d 1262, 1263 (11th Cir. 1998). Jerdine is not entitled to extraordinary relief.

The denial of Jerdine's petition for a writ of error coram nobis is

**AFFIRMED.**