

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
GEORGIA, MACON DIVISION

Gabriel Nunez v. United States

Nunez · No. 5:25-cv-380-TES-CHW · Decided December 16, 2025

SUMMARY

The United States District Court for the Middle District of Georgia dismissed Gabriel Nunez’s petition seeking coram nobis relief from his Georgia state convictions. The court held that federal courts lack jurisdiction to use a writ of error coram nobis to attack a state criminal judgment and noted that any claims concerning federal counsel must be raised in Nunez’s pending 28 U.S.C. § 2255 proceeding.

CASE DETAILS

COURT	United States District Court for the Middle District of Georgia, Macon Division
JURISDICTION	United States District Court for the Middle District of Georgia, Macon Division
DECIDED	December 16, 2025
DOCKET	5:25-cv-380-TES-CHW
DISPOSITION	dismissed
PROCEDURAL POSTURE	Nunez filed a petition seeking relief from his federal sentence and expungement by writ of error coram nobis, primarily attacking his state-court convictions and guilty pleas. The court dismissed the action for lack of subject-matter jurisdiction.
STANDARD OF REVIEW	Subject-matter jurisdiction was considered de novo because the court dismissed the action for lack of jurisdiction.
PRECEDENTIAL VALUE	Unknown
PARTIES	Gabriel Nunez v. United States

TOPICS

- post-conviction relief
- subject matter jurisdiction
- state post-conviction relief
- ineffective assistance

PRACTICE AREAS

- federal post-conviction relief
- subject-matter jurisdiction
- coram nobis

QUESTIONS PRESENTED

1. Whether a federal court may use a writ of error coram nobis under the All Writs Act to attack state criminal convictions.
2. Whether the court had subject-matter jurisdiction over Nunez's challenge to his state convictions.

HOLDINGS

1. A federal court may not issue a writ of error coram nobis as a means of attacking a state criminal judgment.

KEY QUOTATIONS

"Federal courts have authority to issue a writ of error coram nobis under the All Writs Act, 28 U.S.C. § 1651(a)."

"The All Writs Act, however, is "not a source of subject matter jurisdiction.""

"coram nobis is not available in federal court as a means of attack on a state criminal judgment."

FACTUAL BACKGROUND

Gabriel Nunez, a federal prisoner, received an 84-month federal sentence to run consecutively to sentences imposed in four Georgia state criminal cases. He contended that state-court counsel should have delayed or otherwise handled his state guilty pleas differently because the pleas affected his federal criminal-history calculation and resulted in a longer federal sentence. He sought to vacate the state convictions through a writ of error coram nobis.

PROCEDURAL HISTORY

Nunez was sentenced by the Middle District of Georgia to 84 months' imprisonment, consecutive to sentences imposed in Georgia state court. He filed this action after asserting that the timing of his state guilty pleas increased his federal criminal-history calculation and federal sentence. After the court sought clarification, Nunez confirmed that he was attacking his state convictions through coram nobis proceedings; the court dismissed the action for lack of jurisdiction.

DISPOSITION

dismissed

CASES CITED

- United States v. Mills, 221 F.3d 1201, 1203 (11th Cir. 2000)
- United States v. Denedo, 556 U.S. 904, 913 (2009)
- Theriault v. Mississippi, 390 F.2d 657, 657 (5th Cir. 1968) (per curiam)
- Llovera v. Florida, 576 F. App'x 894, 896-97 (11th Cir. 2014) (per curiam)
- Cavett v. Ellis, 578 F.2d 567, 569 n.4 (5th Cir. 1978)

- Jenkins v. Att'y Gen., No. 23-12794, 2024 WL 2860045, at *3 (11th Cir. June 6, 2024)
- Bonner v. City of Prichard, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc)
- United States v. Nunez, 5:22-cr-18-CAR-CHW-1 (M.D. Ga. June 18, 2024), Dkt. No. 62

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