

UNITED STATES COURT OF APPEALS **October 22, 2010**
FOR THE TENTH CIRCUIT Elisabeth A. Shumaker
Clerk of Court

In re:

LINDSEY K. SPRINGER,

Petitioner.

No. 10-5101
(D.C. No. 4:09-CR-00043-SPF)
(N.D. Okla.)

ORDER

Before **HARTZ**, **TYMKOVICH**, and **GORSUCH**, Circuit Judges.

This matter is before the court on petitioner Lindsey K. Springer's Amended Petition For Writ of Mandamus, Or Alternatively Petition For Writ of Error Coram Nobis. Mr. Springer asks us to order the district court to grant his motion for a writ of error coram nobis and vacate his convictions and sentences for tax evasion and conspiracy to defraud the United States.

Among its many defects, Springer's mandamus petition must fail because he cannot show that his right to the writ is "clear and indisputable." *In re Cooper Tire & Rubber Co.*, 568 F.3d 1180, 1187 (10th Cir. 2009) (internal quotation marks omitted). It is well established that "a prisoner may not challenge a sentence or conviction for which he is currently in custody through a writ of coram nobis." *United States v. Torres*, 282 F.3d 1241, 1245 (10th Cir. 2002). Mr. Springer's current incarceration therefore bars coram nobis relief.

To the extent Mr. Springer's petition seeks release on bond pending appeal, this court denied such relief in an order dated June 1, 2010, as to which Mr. Springer filed a motion for reconsideration, which was also denied. We decline to reconsider that request here.

The petition is DENIED.

Entered for the Court,

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", with a long horizontal flourish extending to the right.

ELISABETH A. SHUMAKER, Clerk