NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-2651

UNITED STATES OF AMERICA

v.

EDUARDO A. CRUZ MAZZINI, a/k/a Eduardo Alfonso Cruz Mazzini,
Appellant

On Appeal from the United States District Court
for the District of Delaware
(D.C. Criminal Action No. 1:10-cr-00084-001)
District Judge: Honorable Jennifer L. Hall

Submitted Pursuant to Third Circuit LAR 34.1(a)
October 8, 2026
Before: CHAGARES, *Chief Judge*, HARDIMAN and FREEMAN, *Circuit Judges*

(Opinion filed November 16, 2026)

OPINION[*]

PER CURIAM

[*] This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

Eduardo Cruz Mazzini appeals the District Court's order denying his petition for a writ of coram nobis. For the reasons that follow, we will affirm the District Court's order.

In 2010, Mazzini pleaded guilty to one count of making a false statement in a passport application and was sentenced to time served. He did not appeal his conviction and sentence. After immigration proceedings, he was removed to El Salvador in 2011. He later reentered the United States. In 2023, he was placed in deferred action until August 2027 based on a bona fide U visa application.

In April 2024, he filed the petition for a writ of coram nobis. In his petition, Mazzini asserted that his guilty plea was induced by the Government's promise of an "S visa" and counsel was ineffective for advising him to plead guilty. The District Court concluded that Mazzini had not shown sound reasons for failing to seek coram nobis relief earlier. It rejected his argument that his concern that he would be detained and removed if he had applied for relief earlier was a sound reason for the delay. The District Court denied the petition, and Mazzini filed a motion for reconsideration and a request for clarification of the record. After the District Court denied the motion for reconsideration and request for clarification, Mazzini filed a notice of appeal.

We have jurisdiction pursuant to 28 U.S.C. § 1291 and exercise de novo review over the District Court's legal conclusions and review any factual findings for clear error. *See United States v. Castro*, 49 F.4th 836, 842 (3d Cir. 2022). Coram nobis relief is an extraordinary remedy issued in only limited situations. *Id.* There are five prerequisites to coram nobis relief: (1) the petitioner is no longer in custody; (2) he suffers continuing

consequences; (3) there are sound reasons for his failing to seek relief earlier; (4) there was no remedy at the time of trial; and (5) the errors alleged are of a fundamental kind. *Id.*

On appeal, Mazzini argues that his fear of arrest, detention, and removal was a sound reason for his failing to seek relief earlier. He contends that the District Court erred in determining that no sounds reasons existed as a matter of law. Mazzini knew when he was removed in 2011 that he had not received the immigration benefit he contends he was promised in return for his guilty plea. He did not seek coram nobis relief until 13 years later. In *Ragbir v. United States*, 950 F.3d 54 (3d Cir. 2020), we held that a noncitizen's pursuit of administrative remedies in immigration proceedings did not constitute a sound reason for a delay of over six years. Here, Mazzini *avoided* immigration proceedings and the possible consequences of those proceedings for 13 years and now requests that the delay that accrued during that time be excused. The standard for timeliness for a coram nobis petition, however, does not forgive delay and dilatoriness. *See Ragbir*, 950 F.3d at 64. The District Court did not err in determining that sound reasons did not exist for Mazzini's failure to seek relief earlier.

Mazzini also challenges the District Court's refusal to clarify whether he falsely claimed to be a United States citizen pursuant to 8 U.S.C. § 1182(a)(6)(C)(ii). This issue was not before the District Court, and thus, is not before us now.

For the above reasons, we will affirm the District Court's orders denying Mazzini's petition for coram nobis, his motion for reconsideration, and his request for clarification.