

**NONPRECEDENTIAL DISPOSITION**

To be cited only in accordance with FED. R. APP. P. 32.1

**United States Court of Appeals**

**For the Seventh Circuit  
Chicago, Illinois 60604**

Submitted March 17, 2025\*

Decided March 18, 2025

**Before**

FRANK H. EASTERBROOK, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

No. 24-2680

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

*v.*

TIMOTHY A. ENDRE,  
*Defendant-Appellant.*

Appeal from the United States District  
Court for the Southern District of  
Indiana, Indianapolis Division.

No. 1:14-cr-00108-SEB-MJD-1

Sarah Evans Barker,  
*Judge.*

**ORDER**

Timothy Endre, a federal prisoner, appeals the district court's judgment denying what he styled as a petition for a writ of *coram nobis*. But because his petition is in substance a successive motion under 28 U.S.C. § 2255 that he did not have leave to file,

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\* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

we vacate the judgment and remand the case with instructions to dismiss for lack of jurisdiction.

Endre pleaded guilty in 2015 to enticing or coercing a minor through internet communications, 18 U.S.C. § 2422(b). His guidelines range at sentencing was 188–235 months (based on a total offense level of 31 and a criminal history category of VI). The court sentenced him to 212 months' imprisonment and 10 years' supervised release and ordered him to pay \$2,500 in restitution. Endre later petitioned, unsuccessfully, for relief under 28 U.S.C. §§ 2241 and 2255. *See Endre v. Williams*, 2022 WL 2115298, at \*1 (7th Cir. June 13, 2022).

Endre next petitioned the district court for a self-styled writ of *coram nobis* seeking release from custody. He argued that the government's misstatements regarding his criminal history led the court to impose a sentence that was unlawfully long. The court denied the petition on grounds that a sentencing error would not invalidate his conviction and he did not explain why he could not have sought relief in earlier proceedings.

Endre now challenges the denial of his petition, reprising the arguments he raised in the district court. But the writ of *coram nobis*, which was expressly abolished in civil cases, *see* FED. R. CIV. P. 60(e), is a common law remedy that may be available in criminal cases to allow courts to correct serious errors after the defendant leaves custody. *Chaidez v. United States*, 568 U.S. 342, 345 n.1 (2013); *United States v. Hassebrock*, 21 F.4th 494, 498 (7th Cir. 2021). For a defendant like Endre, in prison at the time he filed the petition, his exclusive means to collaterally challenge his federal conviction or sentence was a motion to vacate his sentence under 28 U.S.C. § 2255. Notwithstanding Endre's label for his petition, any post-judgment motion in a criminal proceeding that falls within the scope of § 2255 is deemed a motion under § 2255—otherwise, prisoners could use inventive captioning to avoid the procedural rules governing § 2255 motions. *See Adams v. United States*, 911 F.3d 397, 404 (7th Cir. 2018).

Because Endre previously had filed a § 2255 motion, he needed—but did not have—permission to file a successive one. *See* 28 U.S.C. § 2255(h). Accordingly, the district court lacked jurisdiction to consider Endre's petition, and it should have dismissed the petition on that ground. *See Adams*, 911 F.3d at 403.

We VACATE the judgment of the district court and REMAND with instructions to DISMISS for lack of jurisdiction.