

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-2565

UNITED STATES OF AMERICA

v.

CHARLES AARON BROOKS,
Appellant

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. Civil Action No. 2:95-cr-00564-001)
District Judge: Honorable Harvey Bartle III

Submitted on Appellee's Motion for Summary Action
Pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6
August 27, 2026
Before: KRAUSE, MATEY, and BOVE, *Circuit Judges*

(Opinion filed: September 15, 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.

Charles Aaron Brooks appeals the District Court's order denying his petition for coram nobis and audita querela relief as well as its order denying his motion for reconsideration. The Government has filed a motion for summary affirmance. For the reasons that follow, we will grant the Government's motion and summarily affirm the District Court's orders.

The background of Brooks's criminal proceedings and current claims is well-known to the parties and need not be described at length here. Briefly, in 1996, Brooks was convicted of several counts of bank robbery and use of a firearm during a crime of violence. He was sentenced to 45 years in prison on the firearm counts to be served consecutively to a term of 262 months for the bank robberies. This Court affirmed his conviction and sentence. Since then, Brooks has filed several unsuccessful challenges to his convictions and sentences, including a § 2255 motion and requests for permission to file second or successive § 2255 motions.

In May 2025, Brooks filed a petition for coram nobis or audita querela relief. He requested that the District Court vacate his federal conviction. He appeared to argue that his state court convictions for robbery did not qualify as predicate convictions to support his being sentenced as a career offender. The District Court denied Brooks's coram nobis petition because Brooks was still in custody and concluded that he could not use audita querela to challenge his conviction. Brooks filed a motion for reconsideration, arguing that he was no longer in custody on the state court convictions. While that motion was pending, he filed a notice of appeal from the District Court's order denying his petition.

After the District Court denied the motion for reconsideration, Brooks filed an amended notice of appeal. Brooks has now filed his brief, and the Government has filed a motion for summary affirmance of the District Court's order.

We have jurisdiction pursuant to 28 U.S.C. § 1291 and exercise de novo review over legal issues arising from the denial of coram nobis and audita querela relief. *See United States v. Rhines*, 640 F.3d 69, 71 (3d Cir. 2011) (per curiam); *United States v. Richter*, 510 F.3d 103, 104 (2d Cir. 2007) (per curiam). Summary action is appropriate if there is no substantial question presented in the appeal. *See* 3d Cir. L.A.R. 27.4.

A writ of coram nobis is available to challenge an invalid conviction with continuing consequences when, inter alia, the petitioner is no longer in custody. *Mendoza v. United States*, 690 F.3d 157, 159 (3d Cir. 2012). The Government correctly argues, and the District Court did not err in determining, that Brooks is not entitled to coram nobis relief because he is still in custody.

In his brief on appeal, Brooks argues that he qualifies for coram nobis relief because he is no longer in custody on the state court convictions. Brooks, however, is asking for relief from his federal court conviction, and he is still in custody for that conviction. To the extent that Brooks seeks to challenge his state court convictions, such a challenge cannot be made in federal court via coram nobis. *See Obado v. New Jersey*, 328 F.3d 716, 718 (3d Cir. 2003) (per curiam) (holding that state criminal judgment cannot be attacked in federal court using coram nobis).

As for the writ of audita querela, it is available as residual post-conviction relief “to the extent that it fills in gaps in the current system of post-conviction relief.” *Massey v. United States*, 581 F.3d 172, 174 (3d Cir. 2009) (per curiam). Thus, relief via audita querela is not available where a specific statute addresses the issue at hand. *Id.* A motion pursuant to 28 U.S.C. § 2255 is the proper vehicle for collaterally challenging a federal conviction or sentence, and there are no gaps to fill. *Id.* Brooks cannot seek relief through audita querela simply because he cannot satisfy the requirements for second or successive § 2255 motions. *Id.* The District Court did not err in denying Brooks audita querela relief.

The District Court did not err in denying Brooks’s petition or his motion for reconsideration. Because no substantial issue is presented by this appeal, we grant the Government’s motion for summary affirmance and affirm the District Court’s orders. The Government’s motion to be excused from filing a brief is denied as moot.