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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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UNITED STATES *v.* DENEDO

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

No. 08–267. Argued March 25, 2009—Decided June 8, 2009

Military authorities charged respondent, a native Nigerian serving in the U. S. Navy, with violating of the Uniform Code of Military Justice (UCMJ). With counsel's assistance, respondent agreed to plead guilty to reduced charges. The special court-martial accepted the plea and convicted and sentenced respondent; the Navy-Marine Corps Court of Criminal Appeals (NMCCA) affirmed; and he was discharged from the Navy in 2000. In 2006, the Department of Homeland Security commenced removal proceedings against respondent based on the conviction. To avoid deportation, he filed a petition for a writ of *coram nobis* under the authority of the All Writs Act, asking the NMCCA to vacate the conviction it had earlier affirmed on the ground that his guilty plea resulted from ineffective assistance of counsel, who had assured him his plea bargain carried no risk of deportation. Though rejecting the Government's contention that it lacked jurisdiction to grant the writ, the NMCCA denied relief for lack of merit. Agreeing that the NMCCA has jurisdiction, the Court of Appeals for the Armed Forces (CAAF) remanded for further proceedings on the merits.

Held:

1. This Court has subject-matter jurisdiction under 28 U. S. C. §1259(4), which permits it to review CAAF decisions in cases "in which [that court] granted relief." Respondent's parsimonious view that the CAAF did not " 'gran[t] relief' " in this case, but simply remanded to the NMCCA, is rejected. Though §1259 does not define "relief," the word's familiar meaning encompasses any redress or benefit provided by a court. The CAAF's judgment reversing the NMCCA satisfies that definition. Pp. 4–5.

2. Article I military courts have jurisdiction to entertain *coram no-*

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bis petitions to consider allegations that an earlier judgment of conviction was flawed in a fundamental respect. Pp. 5–13.

(a) Military courts' power to issue extraordinary writs under the All Writs Act, see *Noyd* v. *Bond*, 395 U. S. 683, 695, n. 7, does not determine the anterior question whether those courts have jurisdiction to entertain a *coram nobis* petition. As recognized by the All Writs Act—which permits "courts established by Act of Congress" to issue "all writs necessary or appropriate in aid of their respective jurisdictions," 28 U. S. C. §1651(a)—a court's power to issue any form of relief, extraordinary or otherwise, is contingent on its subject-matter jurisdiction over the case or controversy. Such jurisdiction is determined by Congress. *Bowles* v. *Russell*, 551 U. S. 205, 212. Thus, to issue respondent a writ of *coram nobis* on remand, the NMCCA must have had statutory subject-matter jurisdiction over respondent's original judgment of conviction. Pp. 5–8.

(b) Pursuant to the UCMJ, the NMCCA and the CAAF have subject-matter jurisdiction over this case. The NMCCA has jurisdiction to entertain respondent's *coram nobis* request under UCMJ Article 66, which provides: "For the purpose of reviewing court-martial cases, the [NMCCA] may sit . . . ." 10 U. S. C. §866(a). Because respondent's *coram nobis* request is simply a further "step in [his] criminal" appeal, *United States* v. *Morgan*, 346 U. S. 502, 505 n. 4, the NMCCA's jurisdiction to issue the writ derives from the earlier jurisdiction it exercised under §866(a) to hear and determine the conviction's validity on direct review. Respondent's *coram nobis* request is not barred by the requirement that the NMCCA "act only with respect to the findings and sentence as approved by the convening authority." §866(c). An alleged error in the original judgment predicated on ineffective-assistance-of-counsel challenges the conviction's validity, see *Knowles* v. *Mirzayance*, *ante,* at ___, so respondent's Sixth Amendment claim is "with respect to" the special-court-martial's "findings" of guilty. Because the NMCCA has jurisdiction, the CAAF has jurisdiction to review the NMCCA's denial of respondent's petition challenging the validity of his original conviction. That the CAAF's authority is confined "to matters of law" connected to "the findings and sentence as approved by the convening authority and as affirmed or set aside by the Court of Criminal Appeals," §867(c), poses no obstacle to respondent's requested review. His Sixth Amendment claim presents a "matte[r] of law" "with respect to the [guilty] findings . . . as approved by the [special court-martial] and as affirmed . . . by" the NMCCA. Pp. 8–10.

(c) The Government's argument that UCMJ Article 76 affirmatively prohibits the type of collateral review respondent seeks errs in "conflating the jurisdictional question with the merits" of respon-

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dent's petition, *Arthur Andersen LLP* v. *Carlisle*, *ante,* at ___. Article 76 provides for the finality of judgments in military cases. Just as the finality principle did not jurisdictionally bar the court in *Morgan, supra,* from examining its earlier judgment, neither does it bar the NMCCA from doing so here. The Government's contention that *coram nobis* permits a court to correct its *own* errors, not those of an inferior court, is disposed of on similar grounds. Pp. 10–12.

66 M. J. 114, affirmed and remanded.

KENNEDY, J., delivered the opinion of the Court, in which STEVENS, SOUTER, GINSBURG, and BREYER, JJ., joined. ROBERTS, C. J., filed an opinion concurring in part and dissenting in part, in which SCALIA, THOMAS, and ALITO, JJ., joined.