

United States Navy - Marine Corps  
Court of Criminal Appeals

In Re  
Alan D. DORRBECKER<sup>1</sup>  
*Petitioner*

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UNITED STATES  
*Respondent*

PETITION FOR EXTRAORDINARY  
RELIEF IN THE NATURE OF  
A WRIT OF HABEUS CORPUS

NMCCA No. 201700347

Special Panel 1

**ORDER**

*Dismissing Petition for  
Lack of Jurisdiction*

On 29 May 2019, this Court affirmed the findings and sentence in Petitioner's court-martial. On 31 October 2019, the Court of Appeals for the Armed Forces denied Petitioner's Motion for Grant of Review. On 16 September 2020, the Assistant Secretary of the Navy (Manpower and Reserve Affairs) executed Petitioner's dismissal from the United States Naval Service. Petitioner's dismissal having been executed, the findings and sentence in his case are now final and conclusive pursuant to Article 76, Uniform Code of Military Justice, 10 U.S.C. § 876.

Upon consideration of the Petition for Extraordinary Relief in the Nature of a Writ of Habeas Corpus, filed on behalf of Petitioner on 17 December 2020, it is, by the Court, this 3rd day of February 2021,

**ORDERED:**

That the petition for a writ of habeas corpus<sup>2</sup> is **DISMISSED** for lack of jurisdiction. See *In Re Jordan*, 80 M.J. 605, 612 (N-M Ct. Crim. App. 2020).

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<sup>1</sup> Prior to his dismissal being executed, Petitioner was a Captain (O-6), U.S. Navy.

<sup>2</sup> Even if we had construed the petition as a petition for a writ of error *coram nobis*, as Petitioner remains in confinement, the Article III courts are available to consider a petition for a writ of habeas corpus, and hence he would not be entitled to *coram nobis* relief in this Court. See *Jordan*, 80 M.J. at 612-13.



FOR THE COURT:

A handwritten signature in blue ink, which appears to read "Rodger A. Drew, Jr.", is written over the printed name.

RODGER A. DREW, JR.  
Clerk of Court

Copy to:

NMCCA (51.1)

Commander Jack A. Garcia, Commandant, Consolidated Naval Brig Charleston

Mr. Robert A. Feldmeier, Esq., Civilian Counsel for Petitioner

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