

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Ralph Taylor,	:	
	:	
Plaintiff,	:	
v.	:	Civil Action No. 08-0559 (CKK)
	:	
John D. Tinder,	:	
	:	
Defendant.	:	

MEMORANDUM OPINION

In this civil action filed *pro se* by a prisoner at the Federal Correctional Institution in Ashland, Kentucky, plaintiff seeks a declaratory judgment against United States District Judge John D. Tinder of the Southern District of Indiana. Plaintiff wants this Court to declare that Judge Tinder “acted beyond his statutory powers granted to him by Congress . . . violate[d] [plaintiff’s] rights to due process of law, and . . . [t]hat the judgment entered July 1, 1998, by [Judge Tinder] . . . is void for violation of due process of law.” Compl. at 3.

This Court is not a reviewing court and, therefore, lacks subject-matter jurisdiction to review the decisions of another district judge. *See* 28 U.S.C. §§ 1331, 1332 (general jurisdictional provisions); *Fleming v. United States*, 847 F. Supp. 170, 172 (D.D.C. 1994), *cert. denied* 513 U.S. 1150 (1995). To the extent that plaintiff is challenging his criminal conviction, his recourse lies in a motion under 28 U.S.C. § 2255, which must be filed in the sentencing court. *See Taylor v. United States Board of Parole*, 194 F.2d 882, 883 (D.C. Cir. 1952) (where petitioner attacked the constitutionality of the statute under which he was convicted and sentenced, the proper remedy was by motion under 28 U.S.C. § 2255); *Ojo v. Immigration & Naturalization Service*, 106 F.3d 680, 683 (5<sup>th</sup> Cir. 1997) (the sentencing court is the only court

with jurisdiction to hear defendant's complaint regarding errors that occurred before or during sentencing). A separate Order dismissing this case for want of jurisdiction accompanies this Memorandum Opinion.

DATE: April 23, 2008

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s/s  
COLLEEN KOLLAR-KOTELLY  
United States District Judge