

FILED

OCT 27 2008

**Clerk, U.S. District and
Bankruptcy Courts**

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Jimmie J. McNair,

Petitioner,

v.

Robert Green,

Respondent.

Civil Action No.

08 1842

MEMORANDUM OPINION

This action, brought *pro se*, is before the Court on the petition for a writ of *habeas corpus*, accompanied by an application to proceed *in forma pauperis*. The Court will grant the application to proceed *in forma pauperis* and will dismiss the case for lack of jurisdiction.

Plaintiff is an inmate at the Montgomery County Correctional Facility in Boyds, Maryland, challenging his conviction entered by the Montgomery County Circuit Court. Federal court review of state convictions is available under 28 U.S.C. § 2254 but only after the exhaustion of available state remedies. *See* 28 U.S.C. §2254(b)(1). Thereafter, "an application for a writ of habeas corpus [] made by a person in custody under the judgment and sentence of a State court . . . may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced [petitioner] and each of such district courts shall have concurrent jurisdiction to entertain the application." 28 U.S.C. § 2241(d). To the extent that petitioner has exhausted his state remedies, *see* Pet. at 3, his federal recourse lies in the United States District Court for the District of Maryland. A separate Order of dismissal accompanies this Memorandum Opinion.


United States District Judge

Date: October 3, 2008