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DEC - 8 2008

Clerk, U.S. District and
Bankruptcy Courts

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JIBRIL L. IBRAHIM,
a.k.a. GRANT ANDERSON,

Petitioner,

v.

UNITED STATES OF AMERICA, *et al.*,

Respondents.

Civil Action No.

08 2130

MEMORANDUM OPINION

This matter comes before the Court on petitioner's application to proceed *in forma pauperis* and *pro se* petition for a writ of habeas corpus.¹

Petitioner is serving a life sentence imposed by the Superior Court of the District of Columbia in October 1988. *See* Pet. ¶¶ 1-4. He alleges that he is actually innocent of the crimes for which he was convicted. *See id.* ¶ 9. According to petitioner, the criminal prosecution brought against him is "based on falsification of a criminal complaint by [a] police officer posing as a deputy clerk of Superior Court to bring about an indictment against [him]." *Id.* ¶ 12.

Challenges of this nature must be brought by motion in the Superior Court under D.C. Code § 23-110. In relevant part D.C. Code § 23-110 provides:

¹ The Court grants petitioner's "Motion for Temporary Relief from the Injunction Imposed June 1993 Against Petitioner" for the sole purpose of considering the instant petition for a writ of habeas corpus and application to proceed *in forma pauperis*. In no way shall this grant of leave to file be construed as relieving petitioner of his obligation to comply with the injunction Order currently in effect, *see Anderson v. D.C. Public Defender Serv.*, 881 F. Supp. 663, 671-72 (D.D.C. 1995), or to comply with all provisions of the Prison Litigation Reform Act, *see* 28 U.S.C. § 1915.

[An] application for a writ of habeas corpus in behalf of a prisoner who is authorized to apply for relief by motion pursuant to this section shall not be entertained by . . . any Federal . . . court if it appears . . . that the Superior Court has denied him relief, unless it also appears that the remedy by motion is inadequate or ineffective to test the legality of his detention.

D.C. Code § 23-110(g). “Section 23-110 has been found to be adequate and effective because it is coextensive with habeas corpus.” *Saleh v. Braxton*, 788 F. Supp. 1232 (D.D.C. 1992). It is settled that “a District of Columbia prisoner has no recourse to a federal judicial forum unless the local remedy is ‘inadequate or ineffective to test the legality of his detention’” *Byrd v. Henderson*, 119 F.3d 34, 36-37 (D.C. Cir. 1997) (internal footnote omitted); *Garris v. Lindsay*, 794 F.2d 722, 726 (D.C. Cir.), *cert. denied*, 479 U.S. 993 (1986). A prisoner’s lack of success in his previous attempts to collaterally attack his conviction and sentence by means of a motion under D.C. Code § 23-110(g) does not render this remedy inadequate or ineffective. *See Wilson v. Office of the Chairperson*, 892 F. Supp. 277, 280 (D.D.C. 1995).

Accordingly, the Court will dismiss the petition without prejudice. An Order consistent with this Memorandum Opinion will be issued separately on this date.



United States District Judge

Date: 11/6/08