

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

**JAN 29 2010**

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

Kenneth Clay,

Petitioner,

v.

Hugh Smith,

Respondent.

Civil Action No.

**10 0172**

MEMORANDUM OPINION

Petitioner, proceeding *pro se*, has submitted an application for a writ of habeas corpus along with 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.

Petitioner is a Georgia state prisoner at the Dodge State Prison challenging a conviction entered by the Superior Court of Muscogee County. Pet. at 2. Federal court review of state convictions is available under 28 U.S.C. § 2254 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). Petitioner has no recourse here. A separate Order of dismissal accompanies this Memorandum Opinion.

  
United States District Judge

Date: January <sup>2</sup>13, 2010