

**FILED**

**JUN - 4 2010**

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Lance William Tisdale,

Petitioner,

v.

United States of America,

Defendant.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Civil Action No.

**10 0923**

MEMORANDUM OPINION

This matter is before the court on the plaintiff's pro se habeas petition and application to proceed in forma pauperis. The Court will grant the application to proceed in forma pauperis and will dismiss the complaint for lack of jurisdiction.

Plaintiff is an inmate in the Bill Clements Unit in Amarillo, Texas, serving a sentence imposed by the 299th Judicial District Court in Austin, Texas. He attacks the validity of the state court conviction, alleging insufficient evidence, void indictment, and ineffective assistance of counsel.

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

N


3

exhausted his state remedies, his federal recourse lies in the United States District Court for the Northern District of Texas.

A separate final order accompanies this memorandum opinion.

Date:

5/19/10

  
United States District Judge