

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Anthony DeWayne Moore,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 10-1987 (EGS)
)	
United States Parole Commission <i>et al.</i> ,)	
)	
Respondents.)	

MEMORANDUM OPINION

This matter is before the Court on its initial review of the petition for a writ of *habeas corpus* brought by an inmate at the District of Columbia Jail. For the following reasons, the Court denies the petition.

The extraordinary remedy of *habeas corpus* is available to District of Columbia prisoners upon a showing that the prisoner is “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3). Petitioner claims that he is “being illegally incarcerated, pursuant to the issuance of a ‘parole violator warrant’ issued by a Bureau of the Executive branch of government, not a ‘Judicial Warrant’ issued by a court of competent jurisdiction.” Pet. at 1. He challenges the local statute governing supervised release, D.C. Code § 24-403.01, on the ground that its execution violates the separation of powers doctrine. *Id.*

As the paroling authority for District of Columbia prisoners, the United States Parole Commission is authorized by § 24-403.01(6) to grant, deny or revoke a District of Columbia offender's parole supervision and to impose or modify his parole conditions. *See* D.C. Code § 24-131(a); *Thompson v. District of Columbia Dep’t of Corrections*, 511 F. Supp.2d 111, 114 (D.D.C. 2007). Because the foregoing statutes govern the execution of a judicially imposed

sentence, “[t]he Parole Commission does not exercise a judicial function and its decisions do not violate the separation of powers.” *Montgomery v. U.S. Parole Comm’n*, Civ. Action No. 06-2133 (CKK), 2007 WL 1232190, at *2 (D.D.C. Apr. 26, 2007) (citing cases); accord *Leach v. U.S. Parole Comm’n*, 522 F. Supp. 2d 250, 251 (D.D.C. 2007); *Hammett v. U.S. Parole Comm’n*, Civ. Action No. 10-0442 (JDB), 2010 WL 1257669, at *1 (D.D.C. Apr. 2, 2010) (observing that “[t]his argument, and similar separation of powers arguments, have been raised often and rejected each time.”). Accordingly, the petition for a writ of *habeas corpus* is denied. A separate Order accompanies this Memorandum Opinion.

SIGNED: EMMET G. SULLIVAN
UNITED STATES DISTRICT JUDGE

Date: February 10, 2011