

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

FEB 24 2011

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

DAVID L. COLLINS,

Petitioner,

v.

EXECUTIVE DIRECTOR, NEVADA
DEPARTMENT OF CORRECTIONS,

Respondent.

Civil Action No.

11 0423

MEMORANDUM OPINION

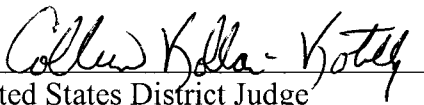
On a preprinted form designed for the filing of a petition for a writ of habeas corpus under 28 U.S.C. § 2241, petitioner brings this action against the Executive Director of the Nevada Department of Corrections for the purpose of securing documents pertaining to his arrest and conviction. If the requested documents are not produced, petitioner demands in the alternative that the court “ORDER the EXTINSHMENT [sic] OF THE CASE, NPT, WITH PREJUDICE, forthwith.” Pet. at 7 (emphasis in original).¹

“[W]hen a state prisoner is challenging the very fact or duration of his physical imprisonment, and the relief he seeks is a determination that he is entitled to immediate release or a speedier release from that imprisonment, his sole federal remedy is a writ of habeas corpus.” *Preiser v. Rodriguez*, 411 U.S. 475, 500 (1973). However, this district court may not entertain this habeas petition because petitioner is not physically confined in the District of Columbia. See *Stokes v. U.S. Parole Comm’n*, 374 F.3d 1235, 1239 (D.C. Cir. 2004). Rather, a petition

¹ Petitioner has raised a similar claim, unsuccessfully, in the United States Court for the District of Nevada. See *Collins v. People of the State of Nevada*, No. 2:10-cv-1458, 2010 WL 5288197 (D. Nev. Dec. 16, 2010).

properly is filed in “the district within which the State court was held which convicted and sentenced him[.]” 28 U.S.C. § 2241(d).

Accordingly, the Court will dismiss this action. An Order is issued separately.


United States District Judge

DATE: *Feb. 16, 2011*