

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

**AUG - 8 2011**

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

James David Nanney,

Petitioner,

v.

Robert C. Lewis, Director,

Respondent.

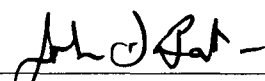
Civil Action No.

**11 1432**

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 North Carolina prisoner confined in Polkton, North Carolina. He challenges his sentence imposed by the Buncombe County Superior Court in Asheville, North Carolina, following his plea of guilty. Pet. at 2-3. 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 in the District of Columbia. Hence, this action will be dismissed. A separate Order accompanies this Memorandum Opinion.

  
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United States District Judge

Date: August 1, 2011

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