

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
OCT 17 2011
Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

Joseph L. Gallardo,

Plaintiff,

v.

United States Federal Government *et al.*,

Defendants.

Civil Action No.

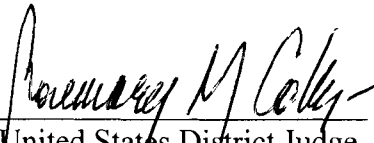
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MEMORANDUM OPINION

This matter is before the Court on review of plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The application will be granted and the complaint will be dismissed pursuant to 28 U.S.C. § 1915A (requiring dismissal of a prisoner's complaint upon a determination that the complaint fails to state a claim upon which relief may be granted).

Plaintiff is a California prisoner incarcerated in Imperial, California. He seeks a declaration that the time limitation of the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") for challenging criminal convictions is unconstitutional. The Court lacks jurisdiction to entertain a petition for a declaratory judgment where, as here, the remedy of *habeas corpus* is available. *LoBue v. Christopher*, 82 F.3d 1081, 1082-84 (D.C. Cir. 1996); *see Williams v. Hill*, 74 F.3d 1339, 1340 (D.C. Cir. 1996) (stating that "it is well-settled that a [person] seeking relief from his conviction or sentence may not bring [actions for injunctive and declaratory relief]") (citations omitted); *accord Jackson v. Scalia*, 780 F. Supp. 2d 81 (D.D.C. 2011). Furthermore, this Court has no authority to review the decisions of other courts, *see* 28 U.S.C. §§ 1331, 1332 (general jurisdictional provisions); *Fleming v. United States*, 847 F. Supp.

170, 172 (D.D.C. 1994), *cert. denied* 513 U.S. 1150 (1995), which this action would necessarily require. *See Dogan v. Roe*, 8 Fed. Appx. 612, 613 (9th Cir. 2001) (rejecting argument that AEDPA's statute of limitations violates the due process, equal protection, and suspension clauses of the United States Constitution); Compl. at 8-17 (recounting habeas litigation history in the California courts and in the Ninth Circuit). A separate Order of dismissal accompanies this Memorandum Opinion.


United States District Judge

Date: October 13, 2011