

FILED

NOV 16 2012

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

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Adam Troy Kittrell,

Petitioner,

v.

United States of America,

Respondent.

Civil Action No. **12 1859**

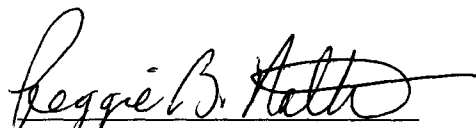
MEMORANDUM OPINION

The petitioner, proceeding *pro se*, has submitted an application for a writ of *habeas corpus* under 28 U.S.C. § 2254, 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.

The petitioner is a North Carolina state prisoner incarcerated at the Johnston Correctional Institution in Smithfield, North Carolina. He is challenging his state conviction following his plea of guilty. *See* Petition at 1, 6. 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).

Because the petitioner has no recourse in the District of Columbia, this action will be dismissed.¹


United States District Judge

Date: October 28, 2012

¹ A separate Order accompanies this Memorandum Opinion.