

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

JUN 14 2013

Clerk, U.S. District and  
Bankruptcy Courts

Juan Carlos Olivo Ramirez, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 United States of America, )  
 )  
 Respondent. )

Civil Action No.

13-901

MEMORANDUM OPINION

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.

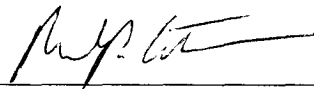
Petitioner is a North Carolina state prisoner incarcerated at the Johnston Correctional Institution in Smithfield, North Carolina. He challenges his conviction following a jury trial, claiming that he is innocent of first-degree murder and statutory rape of a child. *See* Petition at 1-2, 6, 8. Petitioner seeks to “set aside [the] first degree murder conviction [and] remand for [an] evidentiary hearing.” *Id.* at 16.

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

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convicted and sentenced [petitioner] and each of such district courts shall have concurrent jurisdiction to entertain the application." 28 U.S.C. § 2241(d). Although petitioner has added "Complaint" to the caption of the Petition, "it is well-settled that a prisoner seeking relief from his conviction or sentence may not bring [a civil] action" for injunctive relief. *Williams v. Hill*, 74 F.3d 1339, 1340 (D.C. Cir.1996) (citations omitted). Since this Court lacks jurisdiction over petitioner's § 2254 application, this action will be dismissed. See *Olivo Ramirez v. United States of America*, No. 13-513 (UNA) (D.D.C. Apr. 16, 2013) (same). A separate Order accompanies this Memorandum Opinion.

  
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United States District Judge

Date: June 5<sup>th</sup>, 2013