

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

**JAN -3 2014**

Clerk, U.S. District and  
Bankruptcy Courts

DERRICK L. BROWN,

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Petitioner,

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v.

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Civil Action No.

14-23

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ERIC HOLDER, JR., *et al.*,

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)

Respondents.

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**MEMORANDUM OPINION**

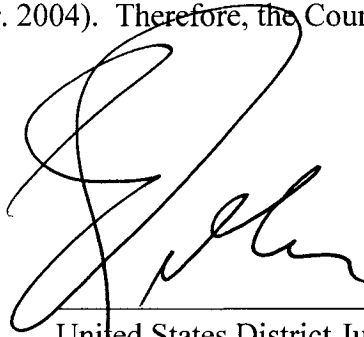
The petitioner, who currently is incarcerated at the United States Penitentiary in Lewisburg, Pennsylvania, has filed a “First Amendment Petition” asserting his actual innocence to the crimes of which he has been convicted. *See generally* Pet. at 1-2. He further has asserted that he was prosecuted in ways that violate his rights under the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution. *See id.* at 2. Among other relief, petitioner asked this Court “to vacate conviction and sentence immediately; to dismiss the indictment and charges immediately; to order respondents liable for all damages; and to immediately discharge and release” him.” *Id.* at 3.

“A prisoner in custody under sentence of a [federal] court . . . claiming the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States . . . *may move the court which imposed the sentence to vacate, set aside or correct the sentence.*” 28 U.S.C. § 2255(a) (emphasis added). Because petitioner was convicted and sentenced in the United States District Court for the Middle District of Tennessee, *see* Pet. at

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2, this Court cannot address a challenge to the legality of petitioner's criminal sentence. *See Ojo v. Immigration & Naturalization Serv.*, 106 F.3d 680, 683 (5th Cir. 1997). Nor can this Court entertain a petition for a writ of habeas corpus for his immediate release from custody because neither petitioner nor his custodian is within its territorial jurisdiction. *See Stokes v. U.S. Parole Comm'n*, 374 F.3d 1235, 1239 (D.C. Cir. 2004). Therefore, the Court will dismiss this action. An Order is issued separately.

A handwritten signature in black ink, appearing to be "J. L. Smith", written over a horizontal line.

United States District Judge

DATE:

12/28/13