

**FILED**

**JUN 24 2015**

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

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

|                              |   |                                |
|------------------------------|---|--------------------------------|
| Samuel Lamont Short,         | ) |                                |
|                              | ) |                                |
| Petitioner,                  | ) |                                |
|                              | ) |                                |
| v.                           | ) | Civil Action No. 15-0639 (UNA) |
|                              | ) |                                |
| Jacob J. Lew <i>et al.</i> , | ) |                                |
|                              | ) |                                |
| Respondents.                 | ) |                                |

MEMORANDUM OPINION

Petitioner, a prisoner proceeding *pro se*, has filed a Petition for a Writ of Mandamus to compel his release from incarceration and an application to proceed *in forma pauperis*. The application will be granted and the petition will be dismissed pursuant to 28 U.S.C. § 1915A (requiring dismissal of a prisoner’s case upon a determination that the complaint fails to state a claim upon which relief may be granted).

Currently incarcerated at the Rivers Correctional Institution (RCI) in Winton, North Carolina, petitioner names U.S. Treasury Secretary Jacob J. Lew, U.S. Transportation Secretary Anthony Foxx, and RCI Warden Brick Tripp as respondents. He claims that “the debt for [his criminal case] has been paid in full and satisfied . . . .” Pet. at 1. Petitioner seeks an order directing the respondents to, *inter alia*, “release [him] immediately from custody” and to “discharg[e] all liens placed against [him].” *Id.* at 4.

Notwithstanding the frivolous nature of the instant petition, “it is well-settled that a [person] seeking relief from his conviction or sentence may not bring [actions for injunctive and declaratory relief].” *Williams v. Hill*, 74 F.3d 1339, 1340 (D.C. Cir. 1996) (per curiam) (citations omitted). Petitioner’s recourse lies, if at all, via a petition for a writ of habeas under 28

U.S.C. § 2241, which must be brought in the judicial district capable of exercising jurisdiction over his warden in North Carolina. *See Stokes v. U.S. Parole Comm'n*, 374 F.3d 1235, 1239 (D.C. Cir. 2004) (“[A] district court may not entertain a habeas petition involving present physical custody unless the respondent custodian is within its territorial jurisdiction.”). A separate order of dismissal accompanies this Memorandum Opinion.

  
United States District Judge

Date: June 22, 2015