

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

John Edward Butler,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 15-1027 (UNA)
)	
)	
United States of America <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM OPINION

Plaintiff, proceeding *pro se*, is a North Carolina state prisoner incarcerated in Maury, North Carolina. He alleges that the United States, the State of North Carolina, and two individuals in North Carolina engaged “in a conspiracy” and “failed to liberally construe [his] *pro se* petition alleging unclear claim of innocence as claim of innocence of 1st degree murder.” Compl. at 1. Plaintiff asks this Court to (1) commute his life sentence for first-degree murder to a prison term of eight to ten years, (2) credit his service of 24 years and three months, and (3) order his release. *Id.* at 2. The Court will grant the accompanying application to proceed *in forma pauperis* and, for the reasons explained below, will dismiss the case for lack of jurisdiction.

Federal court review of a sentence imposed by a state court is available under 28 U.S.C. § 2254 after the exhaustion of 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 [where the sentencing court sits] and each of

such district courts shall have concurrent jurisdiction to entertain the application.” 28 U.S.C. § 2241(d). Plaintiff must pursue habeas relief in an appropriate court in North Carolina. *See Williams v. Hill*, 74 F.3d 1339, 1340 (D.C. Cir. 1996) (finding it “well-settled that a prisoner seeking relief from his conviction or sentence may not bring [] an action” for injunctive and declaratory relief) (citations omitted). Hence this civil action will be dismissed. A separate Order accompanies this Memorandum Opinion.

DATE: October 6th, 2015


United States District Judge