

FILED

JUL 13 2015

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

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
ERNEST MATTHEW GREELEY, JR.,)	
)	
Petitioner,)	Case: 1:15-cv-01098 G Deck
)	Assigned To : Unassigned
v.)	Assign. Date : 7/13/2015
)	Description: Habeas Corpus/2241
THE UNITED STATES GOVERNMENT,)	
)	
Respondent.)	
_____)	

MEMORANDUM OPINION

This matter is before the Court on the petitioner's application to proceed *in forma pauperis* and his *pro se* petition for a writ of habeas corpus.

The petitioner is serving a term of imprisonment imposed by the Superior Court of the District of Columbia. *See* Pet. at 2. He alleges ineffective assistance of defense counsel, *see generally id.* at 7-8, and based on counsel's advice the petitioner entered a guilty plea, *see id.* at 8. The petitioner believes that the conviction and sentence are in error, *see id.*, and he demands his release from custody, *see id.* at 9.

"Under D.C. Code § 23-110, a prisoner may seek to vacate, set aside, or correct sentence on any of four grounds: (1) the sentence is unconstitutional or illegal; (2) the Superior Court did not have jurisdiction to impose the sentence; (3) the sentence exceeded the maximum authorized by law; or (4) the sentence is subject to collateral attack." *Alston v. United States*, 590 A.2d 511, 513 (D.C. 1991). Such a motion "shall not be entertained . . . by any Federal . . . court if it appears that the [prisoner] has failed to make a motion for relief under this section or that the

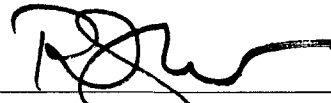
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Superior Court has denied him relief, unless it also appears that the remedy by motion is inadequate or ineffective to test the legality of his detention.” D.C. Code § 23-110(g); *see Williams v. Martinez*, 586 F.3d 995, 998 (D.C. Cir. 2009) (“Section 23-110(g)’s plain language makes clear that it only divests federal courts of jurisdiction to hear habeas petitions by prisoners who could have raised viable claims pursuant to section 23-110(a).”). The petitioner has no recourse in this federal district court, and, therefore, his habeas petition will be denied. An Order accompanies this Memorandum Opinion.

DATE:

7/9/15



United States District Judge