FILED

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

JUN 2 0 2015

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

David L. Smith,)
Plaintiff,)) Case: 1:15-cv-01154
v.	Assigned To : Unassigned Assign. Date : 7/20/2015 Description: Pro Se Gen. Civil F Deck
United States of America et al.,)
Defendants.	<i>)</i>)

MEMORANDUM OPINION

Plaintiff, proceeding *pro se*, is a North Carolina state prisoner incarcerated in Maury, North Carolina. In a single paragraph, plaintiff alleges that the defendants "in conspiracy did unlawfully assemble (4) criminal stat[utes] into N.C.G.S. 14-7.1 and have been unlawfully enhancing N.C. repeat offender sentences from December 11, 2003 through date of this complaint." Compl. at 1. Plaintiff seeks "repeal and dissolution" of North Carolina's enhancement statute, "commutation" of his sentence, and his release from incarceration. *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: July 15, 2015

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