

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

SEP - 9 2015

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

DAVID L. SMITH,

Plaintiff,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

Civil Action No. 15-1201 (UNA)

MEMORANDUM OPINION


This matter is before the Court on plaintiff's application to proceed *in forma pauperis* and his *pro se* civil complaint. The application will be granted, and the complaint will be dismissed.

Plaintiff, who has been convicted and sentenced by the Wake County Superior Court, currently is incarcerated at the Maury Correctional Institution in Maury, North Carolina. He brings this civil rights action under 42 U.S.C. § 1983, and asks this court to "construe pro-se 1983 as 28 U.S.C. § 2255 and vacate and set aside" the judgment of conviction. Compl. at 4. "[I]t 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). Rather, such relief must be pursued under 28 U.S.C. § 2254 in an appropriate court designated under 28 U.S.C. § 2241(d). *See, e.g., Bea v. Johnson*, No. 09-0023, 09 0023, at *1 (D.D.C. Jan. 8, 2009).

Accordingly, the Court will dismiss this action. An Order consistent with this Memorandum Opinion is issued separately.

DATE:

9/1/2015


United States District Judge

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