

FILED

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

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Melvin Lee Luckey,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 15-1609 (UNA)
)	
)	
United States of America <i>et al.</i> ,)	
)	
Defendants.)	

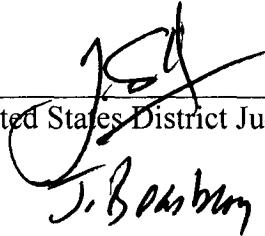
MEMORANDUM OPINION

Plaintiff, proceeding *pro se*, is a North Carolina state prisoner incarcerated in Maury, North Carolina. He alleges that the United States and an individual in North Carolina conspired to deny him access to the court by “fail[ing] to liberally construe his 2254 habeous [sic] out of time as a colorable claim of actual innocence [.]” Compl. at 1. Plaintiff asks this Court to “set aside” his convictions and re-sentence him. *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 without prejudice. A separate Order accompanies this Memorandum Opinion.

DATE: February 17, 2016


United States District Judge