

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

FEB 12 2018

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

Reginald I. Bailey a.k.a. Ray Hill,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 17-2786 (UNA)
)	
)	
United States of America <i>et al.</i> ,)	
)	
Respondents.)	

MEMORANDUM OPINION

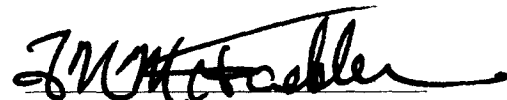
Petitioner is a Texas state prisoner who is incarcerated in Huntsville, Texas. Appearing *pro se*, petitioner has filed a barely legible document docketed as a Petition for a Writ of Habeas Corpus [Dkt. # 1], and an application to proceed *in forma pauperis*. The application will be granted and this case will be dismissed for lack of jurisdiction.

To the extent that petitioner is challenging his custody, he must proceed under 28 U.S.C. § 2241 against his immediate custodian in Texas, *see Rumsfeld v. Padilla*, 542 U.S. 426, 439 (2004); *Blair-Bey v. Quick*, 151 F.3d 1036, 1039 (D.C. Cir. 1998), and a “district court may not entertain a habeas petition involving present physical custody unless the respondent custodian is within its territorial jurisdiction,” *Stokes v. U.S. Parole Comm’n*, 374 F.3d 1235, 1239 (D.C. Cir. 2004). *See Day v. Trump*, 860 F.3d 686, 691 (D.C. Cir. 2017) (affirming dismissal for want of jurisdiction where the District of Columbia was not “the district of residence of [petitioner’s] immediate custodian for purposes of § 2241 habeas relief”).

To the extent that petitioner is challenging his Texas conviction, he must proceed under 28 U.S.C. § 2254, which requires that he first exhaust his available state remedies. *See id.*

§2254(b)(1). Thereafter, an application under § 2254 “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 State court was held which convicted and sentenced [petitioner][,] and each of such district courts shall have concurrent jurisdiction to entertain the application.” 28 U.S.C. § 2241(d). Petitioner simply has no recourse in this Court. A separate order of dismissal accompanies this Memorandum Opinion.

Date: February 12, 2018


United States District Judge