

FILED

MAR - 8 2019

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

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

Thomas L. Bailey,

Plaintiff,

v.

State of Maryland *et al.*,

Defendants.

Civil Action No. 18-3025 (UNA)

MEMORANDUM OPINION

Plaintiff, appearing *pro se*, has submitted a Complaint and an application to proceed *in forma pauperis*. The Court will grant the application and dismiss this case pursuant to 28 U.S.C. § 1915A, which requires immediate dismissal of a prisoner's complaint that fails to state a claim upon which relief can be granted.


Plaintiff is a Maryland state prisoner incarcerated in Cumberland, Maryland. He has sued the State of Maryland and an individual "for false arrest and double punishment of imprisonment." Compl. at 1. The allegations are rather cryptic, but plaintiff seeks as relief "a new trial" and/or correction or modification of his sentence. *Id.* at 6.

Challenges to a State conviction and sentence must proceed under 28 U.S.C. § 2254, and only after the challenger has exhausted his available state remedies. Thereafter, if, as in this case, the sentencing court is located in a State containing one federal judicial district, the challenger must file his petition in the district court located in the same State. Plaintiff was convicted in Harford County, Maryland. *See* Memorandum Opinion, *Bailey v. Gentry*, No. 19-cv-107 (UNA) (D.D.C. filed Jan. 30, 2019) (citing *State of Maryland v. Bailey*, No. 3R00001585

(Md. Nov. 24, 1994); *State of Maryland v. Bailey*, No. 12K94001287 (Md. filed Dec. 28, 1994)).

This Court therefore lacks jurisdiction and must dismiss this case. A separate order accompanies this Memorandum Opinion.

Date: March 8, 2019


United States District Judge