

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

2019 MAR -8 PM 1:34

CLERK 
SO. DIST. GA.

CARLOS MELENDEZ,

Petitioner,

v.

RAFAEL VERGARA, Warden,¹

Respondent.

CV 319-020

ORDER

Petitioner, currently incarcerated at McRae Correctional Facility in McRae, Georgia, has filed an action under 28 U.S.C. § 2241 and paid the \$5.00 filing fee. Petitioner challenges a murder conviction in the Superior Court of the District of Columbia. A search of the case number provided by Petitioner shows he was convicted in 2008 and filed multiple appeals, the last of which was dismissed on June 8, 2017. See United States v. Melendez, 2005 FEL 003377 (D.C. Super. Ct. June 17, 2005), *available at* <https://www.dccourts.gov/> (follow link “Search Cases, Superior Court, View, Search Now” and select Name Search, “Melendez, Carlos,” last visited Mar. 7, 2019).

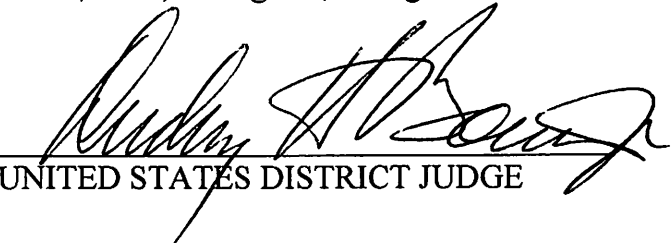
Although filed as a § 2241 action, “District of Columbia offenders are considered state prisoners for purposes of the federal habeas corpus statutes” and therefore must rely on 28 U.S.C. § 2254 to challenge the validity of a District of Columbia sentence. Williams v.

¹The Court **DIRECTS** the **CLERK** to correct the spelling of Warden Vergara’s first name in accordance with the caption of this Order.

Martinez, Civ. No. 4:CV-08-1053 (M.D. Penn. June 3, 2008) (citing Madley v. United States Parole Comm'n, 278 F.3d 1306, 1309 (D.C. Cir. 2002) and Coady v. Vaughn, 251 F.3d 480, 486 (3d Cir. 2001)).

Despite Petitioner's location within this District, it is the practice of this Court to transfer an action attacking a state court conviction to the District in which the original criminal proceedings were conducted. See 28 U.S.C. § 2241(d); see also Bell v. Watkins, 692 F.2d 999, 1013 (5th Cir. 1982) (approving transfer of § 2254 petition from district of incarceration to district where petitioner was convicted). Therefore, the Court **ORDERS** the transfer of this action to the United States District Court for the District of Columbia for further consideration. The Court **DIRECTS** the Clerk to immediately forward the file to that District.

SO ORDERED this 8th day of March, 2019, at Augusta, Georgia.


UNITED STATES DISTRICT JUDGE