

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

05/22/2020

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

MILTON BROWN,

Petitioner,

v.

HAROLD W. CLARKE, et al.,

Respondents.

Civil Action No. 1:20-cv-01267 (UNA)

MEMORANDUM OPINION

Petitioner, appearing *pro se*, is a prisoner incarcerated at the Wallens Ridge State Prison in Waverly, Virginia. *See* Pet. at 1, ECF No. 1. He has filed an application to proceed *in forma pauperis*, ECF No. 2, and a “Petition Under Title 28 U.S.C. § 2254 For Writ of Habeas Corpus By A Person (Agent) In State Custody,” Pet. For the following reasons, this case will be dismissed.

Section 2254 authorizes federal courts to “entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2254. Before obtaining review, a petitioner must first exhaust his available state remedies. *See id.* § 2254(b)(1). Thereafter, he may file an application under § 2254 “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).

The Petition does not identify the court of conviction, but nothing suggests that it is in the District of Columbia. Given Petitioner's prison designation, moreover, it is reasonably safe to conclude that he is challenging a Virginia conviction. Accordingly, this case will be dismissed for want of jurisdiction. A separate order accompanies this Memorandum Opinion.

DATE: May 22, 2020

A handwritten signature in black ink, appearing to read "Carl J. Nichols", written over a horizontal line.

CARL J. NICHOLS
United States District Judge