

**FILED**

WILLIAM DAWSON,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 21-3365 (UNA)
	)	
U.S. JUDGE JAMES C. DEVER III, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

Plaintiff, who proceeds *pro se* and *in forma pauperis*, is a North Carolina state prisoner incarcerated at a facility in Burgaw, North Carolina. He alleges that defendants, one of whom is a United States District Judge, “failed to liberally construe [his] pro se habeas petition, as a claim of actual innocence of first degree murder[.]” Compl. at 1. The only relief he demands is the reduction of his life sentence to time served. *See id.* at 3.

The Court construes the complaint as a petition for a writ of habeas corpus under 28 U.S.C. § 2254. 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* 28 U.S.C. § 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 Court will grant plaintiff’s application to proceed *in forma pauperis* and dismiss the complaint without prejudice for lack of jurisdiction. A separate order of dismissal accompanies this Memorandum Opinion.

DATE: January 10, 2022

/s/  
TANYA S. CHUTKAN  
United States District Judge