

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

EUGENE SHANNON ABNER,

Petitioner,

v.

STATE OF TEXAS,

Respondent.

Civil Action No. 22-cv-1957 (UNA)

MEMORANDUM OPINION

This matter is before the Court on Eugene Shannon Abner's application to proceed *in forma pauperis* and his *pro se* petition for a writ of habeas corpus under 28 U.S.C. § 2254.

Petitioner, who is serving a sentence imposed by a Texas state court, currently is incarcerated at the Barry Telford Unit in New Boston, Texas. Generally, petitioner asserts that he is not guilty of any criminal offense and he demands that all criminal charges against him be dismissed.

Federal court review of state convictions is available under 28 U.S.C. § 2254 only after the exhaustion of available state remedies. 28 U.S.C. § 2254(b)(1). Thereafter, "an application for a writ of habeas corpus [] made by a person in custody under the judgment and sentence of a State court . . . may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which 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). Because petitioner is currently incarcerated in Texas, and was convicted and sentenced in Texas, this matter may not proceed in the District of Columbia.

The Court will grant the application to proceed *in forma pauperis* and dismiss the habeas petition without prejudice. An Order is issued separately.

DATE: September 12, 2022

Jia M. Cobb
U.S. District Court Judge