

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-6516

JOHN ROBERT DEMOS,

Petitioner - Appellant,

v.

ATTORNEY GENERAL ERIC H. HOLDER; U.S. SECRETARY OF THE
INTERIOR; U.S. SECRETARY OF DEFENSE,

Respondents - Appellees.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. Catherine C. Blake, District Judge.
(1:12-cv-03715-CCB)

Submitted: October 8, 2013

Decided: October 21, 2013

Before NIEMEYER, KING, and AGEE, Circuit Judges.

Dismissed by unpublished per curiam opinion.

John Robert Demos, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

John Demos, a Washington state prisoner, filed a 28 U.S.C. § 2241 (2006) petition, seeking relief from his 1978 state convictions. The district court dismissed the action pursuant to 28 U.S.C. § 1915(g) (2006) because Demos, a "three striker" under the Prison Litigation Reform Act (PLRA), failed to demonstrate that he was under imminent danger of serious physical injury. Demos appeals.

While dismissal under § 1915(g) was improper, see Smith v. Angelone, 112 F.3d 1126, 1130 (4th Cir. 1997) ("the in forma pauperis filing fee provisions of the PLRA do not apply to habeas corpus actions"), we find it unnecessary to remand to the district court for further proceedings. It is indisputable that venue in the District of Maryland was improper; rather, venue lay in a federal district court in the State of Washington. See 28 U.S.C. § 2241(d) (2006). Further, transfer to the proper district court would not be in the interest of justice. Accordingly, we deny leave to proceed in forma pauperis, deny a certificate of appealability, and dismiss the appeal.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED