

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

FILED

DEC 05 2007

NANCY MAYER WHITTINGTON, CLERK U.S. DISTRICT COURT

Barry Dwayne Minnfee, )
Petitioner, )
v. )
Governor Rick Perry of Texas et al., )
Respondents. )

Civil Action No. 07 2194

MEMORANDUM OPINION

This matter is before the Court on petitioner's application for a writ of habeas corpus, accompanied by an application to proceed in forma pauperis. The Court will grant the application to proceed in forma pauperis and dismiss the case for lack of jurisdiction.

Plaintiff is a Texas state prisoner challenging a Texas conviction. Federal court review of state convictions is available under 28 U.S.C. § 2254 but only after the exhaustion of available state remedies. See 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). To the extent that petitioner has exhausted his state remedies, see Pet. at 3-4, his federal recourse lies in the applicable United States District Court in Texas. Presenting no connection to the District of Columbia, the petition will be dismissed by separate Order issued contemporaneously.

Eric S. Hurd
United States District Judge

Date: November 9, 2007

2