

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-2168

In Re: KODILINYE OGWONNA OJUKWU,

Petitioner.

On Petition for Writ of Habeas Corpus.
(8:09-cr-00470-PJM; 8:09-cv-02238-PJM; 8:09-mj-01457-TMD)

Submitted: February 8, 2010

Decided: February 16, 2010

Before MICHAEL, DUNCAN, and DAVIS, Circuit Judges.

Petition dismissed by unpublished per curiam opinion.

Kodilinye Ogonna Ojukwu, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kodilinye Ogonna Ojukwu has filed a petition for an original writ of habeas corpus challenging his ongoing detention and raising Fourth Amendment search and seizure issues related to his ongoing criminal trial in the United States District Court for the District of Maryland.

Because Ojukwu is not currently incarcerated within the Fourth Circuit, we lack jurisdiction to entertain the petition. See 28 U.S.C. § 2241(a) (2006) (providing that a § 2241 petition must be filed in the district or circuit of incarceration); In re Jones, 226 F.3d 328, 332 (4th Cir. 2000). Moreover, because the issues that Ojukwu seeks to raise may be adequately addressed through pretrial motions at his criminal trial, we find that it would not serve the interest of justice to transfer the petition to the United States District Court for the District of Columbia. See 28 U.S.C. § 1631 (2006). We therefore deny the motion for leave to proceed in forma pauperis and dismiss the petition. 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.

PETITION DISMISSED