

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-6064

JOHN ROBERT DEMOS, JR.,

Petitioner - Appellant,

v.

STATE OF WASHINGTON, The; WASHINGTON TERRITORY; UNITED
STATES, The; UNITED STATES OF AMERICA, The; WASHINGTON, D.C.,

Respondents - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Richmond. Robert E. Payne, Senior
District Judge. (3:14-cv-00802-REP-RCY)

Submitted: June 25, 2015

Decided: July 8, 2015

Before MOTZ, KING, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

John Robert Demos, Jr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

John Demos, a Washington state prisoner, filed a "Bill of Review," claiming that his 1974 and 1978 Washington state convictions were unconstitutional. The district court dismissed the action without prejudice pursuant to 28 U.S.C. § 1915(g) (2012) 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.

Because the "Bill of Review" attacked Demos' convictions as unconstitutional, this action sounds in habeas corpus. While dismissal under § 1915(g) was improper, see Smith v. Angelone, 111 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 the district court was without jurisdiction over the matter; rather, jurisdiction is proper in a federal district court in Washington. Further, we find that transfer to the proper district court would not be in the interest of justice.

Accordingly, we 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