

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ROHAN JOHNSON,	:	
	:	
Petitioner,	:	
	:	
v.	:	C.A. No. 14-1377-LPS
	:	
HONORABLE BARRY KRON, et al.,	:	
	:	
Respondents.	:	

MEMORANDUM

I. BACKGROUND

Petitioner Rohan Johnson filed a Petition for Writ of Habeas Corpus, contending that he has been unlawfully imprisoned in Rikers Island Jail for more than six months.¹ (D.I. 1 at 4) Petitioner appears to allege that he was coerced to plead guilty to grand larceny and criminal possession of a forged instrument, and states that he is “being required to pay a debt to society where there is no debt in fact.” (D.I. 1 at 5, 37, 53-55) Petitioner asserts that this Court has jurisdiction to hear his case because the Court has general jurisdiction and “predates” the State of New York. (*Id.* at 2)

II. LEGAL STANDARDS

Federal courts are required to liberally construe *pro se* filings. *See Royce v. Hahn*, 151 F.3d 116, 118 (3d Cir. 1998). Nevertheless, a district court may summarily dismiss a habeas petition “if it plainly appears from the face of the petition and any exhibits annexed to it that the

¹Petitioner later filed an “Amended Petition,” which appears to add the address for the Respondents. (D.I. 2 at 1) He also filed a letter underscoring the “exigency” of his request for habeas relief. (D.I. 3) The Court has considered the assertions contained in all of Petitioner’s filings.

petitioner is not entitled to relief.” See Rule 4, 28 U.S.C. foll. § 2254.

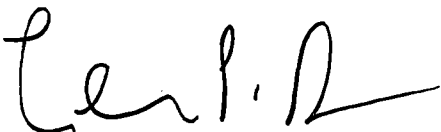
III. DISCUSSION

Having reviewed the Petition, the Court concludes that summary dismissal is appropriate in this case. Petitioner is not in custody in the State of Delaware, he does not challenge a sentence or conviction imposed by the State of Delaware, and he does not challenge a sentence or conviction imposed by this Court. See 28 U.S.C. § 2254; 28 U.S.C. § 2241(d) (petition may be filed either in district “wherein such person is in custody or . . . the district within which State court was held which convicted and sentenced him”); 28 U.S.C. § 2242; Rules Governing Section 2254 Cases in the United District Court, Rule 2(a). Therefore, the Court does not have jurisdiction over the instant proceeding.

IV. CONCLUSION

For the aforementioned reason, the Court will dismiss Petitioner’s habeas Petition for lack of jurisdiction. The Court will also decline to issue a certificate of appealability because Petitioner has failed to make a “substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2); 3d Cir. L.A.R. 22.2 (2011); *United States v. Eyer*, 113 F.3d 470 (3d Cir. 1997). A separate Order will be entered.

Dated: August 20, 2015
Wilmington, Delaware



HON. LEONARD P. STARK
UNITED STATES DISTRICT JUDGE