FILED
JUN 30 2009
Clerk, U.S. District and Bankruptcy Courts

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Simon Banks,

Petitioner,

v.

Devon Brown, Director, D.C. Dep't of Corrections,

Respondent.

Civil Action No. 09 1208

MEMORANDUM OPINION

Petitioner has filed an application to proceed in forma pauperis and a pro se petition for habeas corpus. This application to proceed in forma pauperis will be granted and the petition will be dismissed for lack of jurisdiction.

It appears from the face of the petition that the petitioner is at liberty. The petition identifies a long list of "assigned errors" that allegedly occurred in the criminal proceedings against petitioner and the various appeals he took therefrom, but it does not identify any error in the execution of his sentence, and does not indicate that he is still under sentence. Therefore, the petition appears to be an attack on the validity of his conviction. Since it appears that the petitioner is no longer in custody, the petition is moot and will be dismissed for lack of jurisdiction.

A separate order accompanies this memorandum opinion.

United States District Judge

Date: 6/25/09

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