

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
MAR 05 2010

Clerk, U.S. District and
Bankruptcy Courts

Lee D. Crayton,)
)
Petitioner,)
)
v.)
)
Warden,)
)
Respondent.)

Civil Action No. 11 0366

MEMORANDUM OPINION

Petitioner, currently confined in a Texas facility under sentence by a Texas state court, has filed a *pro se* petition for habeas corpus and an application to proceed *in forma pauperis*. He filed a similar petition in this court approximately six months ago, which was transferred to the United States District Court for the Northern District of Texas. *See Crayton v. Quarterman*, Civil Action No. 09-1563 (UNA), Order Transferring Pro Se Case (D.D.C. Aug. 18, 2009). The transferred petition has been consolidated with other matters filed by the petitioner, and is pending before Judge Sam A. Lindsay of the United States District Court for the Northern District of Texas, Dallas Division. *See Crayton v. Thaler, Director*, Civil Action No. 08-332 (N.D. Tex.). This court cannot hear this petition because “a district court may not entertain a habeas petition involving present physical custody unless the respondent custodian is within its territorial jurisdiction.” *Stokes v. U.S. Parole Commission*, 374 F.3d 1235, 1239 (D.C. Cir. 2004). Because the petitioner’s claims are being considered by a sister court, this court will dismiss, rather than transfer, this petition. A separate order accompanies this memorandum opinion.

Date: 2/27/10

Henry J. Kennedy, Jr.
United States District Judge

(A)