

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

MAY 04 2010

Clerk, U.S. District and  
Bankruptcy Courts

George Samir Wassouf, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 U.S. Dep' t of Homeland Security et al., )  
 )  
 Respondents. )

Civil Action No.

10 0692

MEMORANDUM OPINION

This matter comes before the Court on the petitioner's application to proceed without prepayment of fees, and his pro se habeas petition. The Court will grant the application and will dismiss the habeas petition because it fails to state a claim upon which relief may be granted.

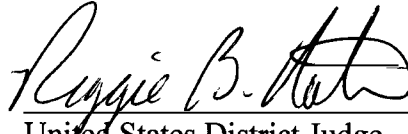
Petitioner is presently at liberty in Syria. Petition ¶ 5. Formerly a permanent legal resident of the United States, he was convicted of bank fraud in the United States District Court for the District of New Hampshire, deported, and barred from reentering the United States for a period of ten years. *Id.* ¶¶ 5, 24-25. In this petition, he alleges a variety of illegal acts on the part of the government in both his criminal and deportation proceedings. *See id.*, e.g., ¶¶ 25 (alleging that the federal agents falsified "all" of their affidavits in his criminal case to ensure conviction), 36 (alleging that his immigration judge was "illegally" assigned to the Immigration Court).

The general habeas statute applies only to persons "in custody." 28 U.S.C. § 2241. Petitioner is not in custody, and his attempt to equate his situation as being in custody because he is barred from entering the United States cannot prevail. *See* Petition ¶ 5. Accordingly, this petition will be dismissed for failure to state a claim upon which relief may be granted.

N

A separate final order accompanies this memorandum opinion.

Date: *April 28, 2010*

  
United States District Judge