

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CORY BRADLEY,)	
)	
Petitioner,)	
)	
v.)	No. 4:11CV1143 TIA
)	
ST. LOUIS COUNTY MUNICIPAL)	
COURTS,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on petitioner’s petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner seeks to overturn two 2002 municipal court convictions for “leaving the scene of an accident” and “operating a vehicle without a license.” Petitioner is imprisoned at the Forrest City Medium Federal Correctional Institution in Forrest City, Arkansas, and it appears that he is currently serving a federal sentence for charges unrelated to said conviction.

District courts have jurisdiction to entertain petitions for habeas relief only from persons who are “*in custody* in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3) (emphasis added). The custody requirement is fulfilled when a petitioner is in custody “under the conviction or sentence under attack at the time his petition is filed.” Maleng v. Cook, 490 U.S. 488, 490-91 (1989).

Petitioner is not currently in custody under the conviction he wishes to attack. As a result, petitioner is not “in custody” for the purposes of § 2241(c)(3), and the Court lacks jurisdiction to grant relief. The Court will, therefore, dismiss the petition without further proceedings. See Fed. R. Civ. P. 12(h)(3); Rule 4 of the Rules Governing § 2254 Cases.

Accordingly,

IT IS HEREBY ORDERED that petitioner’s motion to proceed in forma pauperis [Doc. #2] is **GRANTED**.

IT IS FURTHER ORDERED that petitioner’s petition for habeas corpus pursuant to 28 U.S.C. § 2241 is **DISMISSED**.

Dated this 20th day of July, 2011.

/s Jean C. Hamilton
JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE