

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

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|-------------------|---|---------------------------------|
| LORNE WOODS, JR., |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Civil Action No. 3:23-cv-04-HEH |
| |) | |
| UNKNOWN, |) | |
| |) | |
| Respondent. |) | |

MEMORANDUM OPINION
(Dismissing Action Without Prejudice)

Petitioner, a Maryland inmate proceeding *pro se*, submitted a Motion of Habeas Corpus where he asked, “to be transported to Fairfax, Virginia for the untried indictment, information, or complaint.” (ECF No. 1 at 2.) It appeared that Petitioner may have intended for this motion to be filed in the Circuit Court for the County of Fairfax, Virginia, a state court, not this federal Court. Moreover, Petitioner failed to identify a procedural vehicle that would force the state to provide him with a court date. Nevertheless, given the content of this document, the Court found it appropriate to provide Petitioner the opportunity to pursue this action as a petition for a writ of habeas corpus under 28 U.S.C. § 2254. *See Rivenbark v. Virginia*, 305 F. App’x 144, 145 (4th Cir. 2008). Accordingly, by Memorandum Order entered on January 13, 2023, the Court mailed Petitioner a standardized form for filing a § 2254 petition and directed Petitioner to complete and return it within twenty (20) days from the date of entry thereof. (ECF No. 2.)

Petitioner responded but did not complete and return the standardized form. Instead, Petitioner asks the Court to “withdraw [hi]s petition.” (ECF No. 3.) However, in an accompanying letter, Petitioner indicates that he “would like to take care of [an] outstanding warrant” allegedly pending in Fairfax County, Virginia since 2019. (ECF No. 4 at 1.) Petitioner contends that “[t]he outstanding warrant is extending [his] imprisonment,” and “not allowing [him] to enter into any programs,” and he wishes “to resolve this matter along with exercise [his] rights.” (*Id.*) At this juncture, the Court fails to discern what action Petitioner seeks from this Court. As the Court explained previously, Petitioner fails to identify a procedural vehicle that would permit this federal Court to order Fairfax County “to take care of this outstanding warrant.” (*Id.*) Simply put, this Court has no power to order state officials or the state court to try Petitioner on a warrant.

Moreover, although the Court provided Petitioner with an opportunity to proceed with this action as a petition for habeas corpus, Petitioner clearly indicated that he wished to withdraw any attempt to file a habeas petition. Thus, his request to withdraw any habeas action (ECF No. 3) will be granted, and the action will be dismissed without prejudice. A certificate of appealability will be denied.

An appropriate Order shall accompany this Memorandum Opinion.



/s/

Henry E. Hudson
Senior United States District Judge

Date: Feb. 27, 2023
Richmond, Virginia