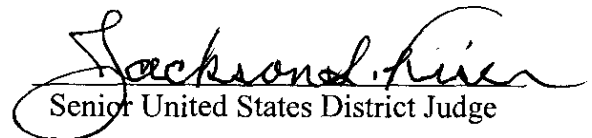


less appropriate.” Id. Therefore, a statute that specifically addresses the issue prevents the issuance of an extraordinary writ.

Petitioner may pursue remedies under 42 U.S.C. §§ 1983 and 2000cc-1 to vindicate alleged violations of his constitutional and religious rights. Petitioner recognizes that he must first exhaust his administrative remedies, pursuant to 42 U.S.C. § 1997e(a), before filing a civil action about prison conditions under § 1983 and § 2000cc-1. However, petitioner acknowledges that he is still pursuing VDOC appeals to exhaust his administrative remedies. Therefore, I find that I may not issue an extraordinary writ because several federal statutes specifically control the issues petitioner seeks to litigate, and I decline to construe the petition as a civil rights complaint because petitioner has clearly not exhausted his administrative remedies.² Accordingly, I dismiss petitioner’s petition for an extraordinary writ, pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii), 1915A(b)(1).

The Clerk is directed to send a copy of this memorandum opinion and the accompanying order to the petitioner.

ENTER: This 7th day of December, 2009.


Senior United States District Judge

²Alternatively, I decline to construe the petition as a civil rights action because I find that petitioner’s claims about the future confiscation and destruction of his property is presently too conjectural to constitute standing to pursue a civil rights action and he fails to presently identify a substantial burden. See 42 U.S.C. § 2000cc-1; Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-61(1992) ((holding that standing requires injury, causation, and redressability); Marshall v. Meadows, 105 F.3d 904, 906 (4th Cir. 1997) (same).