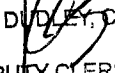


SEP 22 2011

JULIA C. DUDLEY, CLERK
BY:  DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

| | | |
|--------------------------------|---|---------------------------------------|
| BOBBY A. NEAL, JR., |) | |
| Petitioner, |) | Civil Action No. 7:11-cv-00438 |
| |) | |
| v. |) | <u>MEMORANDUM OPINION</u> |
| |) | |
| DANVILLE CIRCUIT COURT, |) | By: Michael F. Urbanski |
| Respondent. |) | United States District Judge |

Bobby A. Neal, Jr., proceeding *pro se*, filed this petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254. On May 19, 2011, Neal was found not guilty by reason of insanity in the Danville Circuit Court on charges of assault and battery and resisting arrest. Neal has apparently been committed to the care of Central State Hospital in Petersburg, Virginia. See Va. Code. § 19.2-182.2, *et seq.* (when a defendant in Virginia is found not guilty by reason of insanity, he is committed involuntarily to the custody of the Commissioner of Mental Health of Mental Retardation). Neal appears to be challenging the court's finding that he was not guilty by reason of insanity. However, Neal has not stated a single intelligible or cognizable claim for relief under § 2254. Further, it appears he seeks damages, which are not available in habeas proceedings. Preiser v. Rodriguez, 411 U.S. 475 (1973) (habeas corpus is the remedy for a state prisoner who challenges the fact or duration of his confinement and seeks immediate or speedier release). Still further, it appears that Neal has failed to exhaust any potential claim he may have under § 2254. Preiser, 211 U.S. at 475 (a federal court cannot grant a habeas petition unless the petitioner has first exhausted all state-court remedies available). Accordingly, for all these reasons the court dismisses Neal's petition without prejudice.

ENTER: This 21st day of September, 2011.


United States District Judge