

FILED
for Roanoke
APR 30 2012

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

WILLIAM T. WADE,
Petitioner,

Civil Action No. 7:12-cv-00195

v.

MEMORANDUM OPINION

COMMONWEALTH OF VIRGINIA,
Respondent.

By: Hon. Jackson L. Kiser
Senior United States District Judge

William T. Wade, a Virginia inmate proceeding pro se, filed a document in which he states that he is appealing a decision from the Circuit Court for Franklin County, Virginia, to this court. Petitioner filed a "motion to vacate" his state-court conviction with the Circuit Court for Franklin County, and the Circuit Court told petitioner that it does not have jurisdiction to adjudicate the motion. Petitioner filed a notice of appeal to this court because petitioner believes the Circuit Court has jurisdiction to adjudicate the motion to vacate.

I do not have appellate jurisdiction to review state court decisions. That jurisdiction is vested in a state's appellate courts and the Supreme Court of the United States. A person in custody because of a state court judgment may ask a federal district court to review a conviction by filing a habeas corpus petition, pursuant to 28 U.S.C. § 2254. I decline to construe the notice of appeal as a 28 U.S.C. § 2254 petition for a writ of habeas corpus because petitioner's submissions do not substantially follow the form petition and are not signed under penalty of perjury. Rule 2(c)(5)-(d), Rules Governing § 2254 Cases. Accordingly, I dismiss this action without prejudice for lack of jurisdiction and direct the Clerk to send petitioner a form § 2254 petition.

The Clerk is directed to send a copy of this Memorandum Opinion and the accompanying Order to petitioner.

ENTER: This 30th day of April, 2012.

[Signature]
Senior United States District Judge