

APR 21 2014

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

WILLIAM J. BUTLER,
Plaintiff,

v.

COMMONWEALTH OF VIRGINIA,
Defendant.

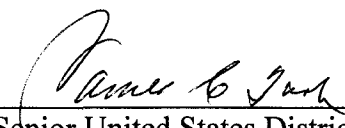
) Civil Action No. 7:14-cv-00104
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) MEMORANDUM OPINION
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) By: Hon. James C. Turk
) Senior United States District Judge

William J. Butler, a Virginia inmate proceeding pro se, filed a motion to vacate a void state-court criminal judgment because the Commonwealth of Virginia, as an “illegal vigilante state government,” lacked subject matter jurisdiction to prosecute him. The court construed the motion as a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, and conditionally filed the action. Butler thereafter objected to the court’s construction as a § 2254 habeas petition. Accordingly, the court treats the motion to vacate as Butler requests and dismisses it without prejudice because the court lacks jurisdiction to review his state-court criminal judgment via the motion to vacate.¹

ENTER: This 18th day of April, 2014.


Senior United States District Judge

¹ Consequently, the Clerk shall update the nature of suit.