

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

NOV 07 2014

JULIA C. DUDLEY, CLERK  
BY: *H. McDonald*  
DEPUTY CLERK

TONY ALEXANDER WARREN-BEY,  
Petitioner,

Case No. 7:14-cv-00531

v.

MEMORANDUM OPINION

UNITED STATES OF AMERICA, et al.,  
Respondents.

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

By its October 10, 2014, Order, the court notified Petitioner of its intent to construe and address his "Petition for a Declaratory Judgment and for a Judicial Notice of Laws" as a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254. The Order advised Petitioner that he should complete and return a form § 2254 motion if he intended to raise the arguments in his "Petition for a Declaratory Judgment and for a Judicial Notice of Laws" as a collateral attack on his state sentence. Petitioner has responded, indicating that he objects to the court's construction of the "Petition for a Declaratory Judgment and for a Judicial Notice of Laws" as a § 2254 petition. Thus, I will not treat the "Petition for a Declaratory Judgment and for a Judicial Notice of Laws" as a petition for a writ of habeas corpus.

Petitioner complains that the United States and Commonwealth of Virginia identify him as a "black" American citizen in violation of the United States Constitution although he acknowledges that he was born in the Commonwealth of Virginia. He also argues that the Commonwealth of Virginia lacked jurisdiction to prosecute him. I find that I lack jurisdiction over the frivolous "Petition for a Declaratory Judgment and for a Judicial Notice of Laws." Accordingly, this action is dismissed without prejudice, and Petitioner's motion for clarification and motion for leave to proceed in forma pauperis are denied.

ENTER: This 7<sup>th</sup> day of November, 2014.

*Jackson L. Kiser*  
Senior United States District Judge