

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-1455

In re: GARY WAYNE PRESLEY,

Petitioner.

On Petition for Writ of Habeas Corpus
(8:11-cv-01553-TLW)

Submitted: September 27, 2012 Decided: October 1, 2012

Before MOTZ, DAVIS, and WYNN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Gary Wayne Presley, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Gary Wayne Presley has filed a petition for an original writ of habeas corpus, claiming that the State of South Carolina does not have jurisdiction over him for criminal charges. This court ordinarily declines to entertain an original habeas petition filed under 28 U.S.C. § 2241 (2006), and this case provides no reason to depart from this general rule. Moreover, we find that the interests of justice would not be served by transferring the matter to the appropriate district court, see 28 U.S.C. § 1631 (2006); Fed. R. App. P. 22(a), as Presley has previously filed a § 2241 petition in the District of South Carolina raising the same claims as he does in this court. Accordingly, we deny Presley's motion for leave to proceed in forma pauperis and dismiss the § 2241 petition. To the extent that Presley seeks mandamus relief, alleging delay by a South Carolina state court, we also deny relief. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED