

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

RONALD LOVELACE,
Petitioner,

v.

DISTRICT DIRECTOR, DEPARTMENT
OF HOMELAND SECURITY,
Respondent.

CIVIL ACTION NO.
3:06 cv 262 (SRU)

ORDER

On February 21, 2006, Ronald Lovelace filed *pro se* a petition for a writ of habeas corpus. Lovelace asserts derivative United States citizenship and appears to challenge a final order of removal issued against him by the Board of Immigration Appeals. He claims that he is being held by the Connecticut Department of Correction while under the “detainership” of the Department of Homeland Security, which has wrongly classified him as an alien.

The REAL ID Act of 2005 amended portions of section 242 of the Immigration and Naturalization Act, 8 U.S.C. § 1252. That section sets forth the scope of judicial review of removal orders, eliminating habeas corpus review of removal orders. Pursuant to the REAL ID Act, a petition for review filed with an appropriate court of appeals is the sole and exclusive means for judicial review of an order of removal. Pub. L. No. 109-13, § 106(a)(1)(B), 119 Stat. 231, 310-11 (May 11, 2005) (amending 8 U.S.C. § 1252). Accordingly, I do not have jurisdiction to consider Lovelace’s habeas petition.

Section 106(c) of the REAL ID Act requires a district court to transfer to the appropriate court of appeals any case (or that part of the case that challenges the order of removal, deportation, or exclusion) pending in the district court on May 11, 2005. *Id.* at § 106(c). Lovelace’s case was filed February 21, 2006. Accordingly, I do not have authority under the

REAL ID Act to transfer Lovelace's petition to the appropriate court of appeals. *See, e.g., Walker v. Gonzalez*, 2006 WL 273238, *1 n.2 (N.D.N.Y. Jan. 21, 2006); *Walters v. Chertoff*, 2005 WL 3416124, *1 (D. Conn. Dec. 12, 2005).

Because Lovelace apparently seeks review of an order of removal but his case was not pending on May 11, 2005, the petition is DISMISSED without prejudice to refile in the appropriate court of appeals.

It is so ordered.

Dated at Bridgeport, Connecticut, this 15th day of March 2006.

/s/ Stefan R. Underhill
Stefan R. Underhill
United States District Judge