

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

DESMOND WHYTE,	:	
Petitioner,	:	
	:	
v.	:	CASE NO. 3:10cv1944 (SRU)
	:	
BRUCE CHADBOURNE, et al.,	:	
Respondents.	:	

ORDER OF DISMISSAL

On December 10, 2010, Desmond Whyte, a native of Jamaica, filed a Petition for a Writ of Habeas Corpus. Doc. 1. The petitioner maintains that he is being unlawfully detained by the Bureau of Immigration and Customs Enforcement (“ICE”) pending his removal from the United States. Whyte seeks to have the court vacate the removal order and review his aggravated felony conviction.

Pursuant to the REAL ID Act of 2005, the district court is statutorily barred from reviewing habeas petitions of undocumented immigrants seeking review of their removal orders. *See* 8 U.S.C. § 1252(a)(5) (“Notwithstanding . . . [a] habeas corpus provision . . . a petition for review filed with an appropriate court of appeals in accordance with this section shall be the sole and exclusive means for judicial review of an order of removal . . .”). Instead, such a claim must be brought in a court of appeals. 8 U.S.C. § 1252(b)(2) (“The petition for review [of an order of removal] shall be filed with the court of appeals for the judicial circuit in which the immigration judge completed the proceedings.”).

District courts do not have the authority to transfer cases filed after May 11, 2005 to the appropriate court of appeals. Instead, such cases must be dismissed. *See Lovelace v. District Director*, No. 3:06cv262, 2006 WL 680565 (D. Conn. Mar. 15, 2006).

Accordingly, Whyte's petition is DISMISSED without prejudice to re-filing as a petition for review in the appropriate court of appeals.

It is so ordered.

Dated at Bridgeport, Connecticut, this 13th day of December 2010.

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