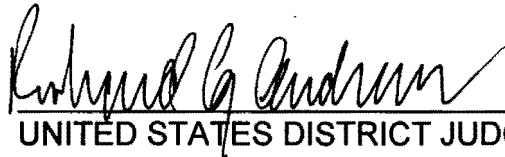


state court judgment “he is attacking at the time the habeas petition is filed.” *Obado v. New Jersey*, 328 F.3d 716, 717 (3d Cir. 2003); 28 U.S.C. § 2254(a). Here, Hamilton explicitly concedes that he is not presently confined pursuant to the sentence imposed for his 1996 conviction. In addition, the court does not view Hamilton’s lifetime Tier 3 sex offender registration requirement as rendering him in “custody” for federal habeas purposes.¹

Accordingly, the court will summarily dismiss Hamilton’s petition for lack of jurisdiction, and will not issue a certificate of appealability. See 28 U.S.C. § 2253(c)(2); *United States v. Eyer*, 113 F.3d 470 (3d Cir. 1997); 3d Cir. L.A.R. 22.2 (2011). A separate order follows.

December 17, 2012
DATE


UNITED STATES DISTRICT JUDGE

¹Although not yet addressed by the Court of Appeals for the Third Circuit, every court that has considered the issue has held that a petitioner challenging a state’s sex offender registration requirement who has completed his sentence does not satisfy the “in custody” requirement of 28 U.S.C. § 2254. See *Williams v. Dist. Att’y Allegheny County*, 2010 WL 4388073, at **7-8 (W.D. Pa. Oct. 29, 2010) (collecting cases).

