

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JUAN FRANCISCO VEGA,

Petitioner,

v.

Case No.: 2:19-cv-497-FtM-38MRM

REBECCA KAPUSTA,

Respondent.

OPINION AND ORDER¹

This matter comes before the Court upon initial review of the file. Petitioner, who is civilly committed to the Florida Civil Commitment Center, initiated this action on July 18, 2019 by filing a Petition ([Doc. 1](#)). Petitioner contends that his civil commitment is unconstitutional on the ground that his underlying criminal conviction that was used as a qualifier and resulted in an order of involuntary civil commitment was barred by the civil statute of limitations. ([Doc. 1 at 2](#)). Petitioner acknowledges that his underlying qualifying conviction and the order of civil commitment were entered by the Eleventh Judicial Circuit Court, which is in Miami, Florida. (*Id.* at 3). Petitioner further states, and the Court's files reflect, that Petitioner currently has a habeas corpus petition pursuant to [28 U.S.C. § 2254](#) pending in the United States District Court for the Southern District of Florida, Miami

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Division, in which he is challenging his civil commitment on three other grounds. (Id. at 1-2; see case number 1:18-cv-20729-CMA).

The Court finds in “its discretion and in furtherance of justice” this action should be transferred to the United States District Court for the Southern District of Florida, Miami Division because Petitioner is challenging the order of civil commitment entered by the state circuit court in and for Miami-Dade County, Florida and currently has a habeas petition pending in that Court. [28 U.S.C. § 2241](#) (d).

Accordingly, it is hereby

ORDERED:

1. Pursuant to [28 U.S.C. § 2241\(d\)](#), this case is transferred to the United States District Court for the Southern District of Florida, Miami Division for all further proceedings.
2. The **Clerk of Court** shall: 1) immediately forward the file to that Court; 2) terminate any outstanding motions; and, 3) close this file.

DONE and **ORDERED** in Fort Myers, Florida this 18th day of September, 2019.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

SA: FTMP-1
Copies: All Parties of Record