

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

KODILINY OGOONNA OJUKWU :
v. : CIVIL ACTION NO. PJM-09-2238
UNITED STATES OF AMERICA :

MEMORANDUM OPINION

Petitioner is an inmate confined in the Correctional Treatment Facility, in Washington, D.C. He seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2241.

Petitioner alleges that he is being improperly held. He alleges that searches executed on his property were improper and that the Court is without jurisdiction to try the criminal case currently pending against him.¹ Paper No. 1. Regarding the scope and nature of the instant proceeding, the undersigned notes that subject matter jurisdiction of a § 2241 habeas corpus petition lies in the federal district court where petitioner is incarcerated or in the federal district court where the petitioner's custodian is located. *See Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 488-89 (1973). Petitioner is confined in Washington, D.C., and his custodian, or the person who has the day-to-day responsibility for his custody, would be the warden at the Correctional Treatment Facility. Therefore, this Court finds that jurisdiction of the instant action lies in Washington, D.C., not in Maryland. However, rather than transfer the instant case, the Clerk will be directed to docket a copy of the pleading in Petitioner's pending criminal matter. The instant civil action shall be dismissed without prejudice.

¹ Petitioner has been charged with fraud and misuse of visas/permits under 18 U.S.C. § 1546(a). His case is pending

A separate Order follows.

August 31, 2009

/s/

PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE

before the Court. *See, United States v. Ojukwu*, Criminal No. 09-mj-1457 (D.Md. 2009).