

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

TRAVIS KINGSBERRY,)	
)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO. 2:13-023443
)	
J.E. THOMAS, Warden,)	
)	
Respondent.)	

MEMORANDUM OPINION AND ORDER

On September 23, 2013, Petitioner, acting *pro se* and incarcerated at USP Lewisburg, filed his Application to Proceed Without Prepayment of Fees and Costs (Document No. 1.) and Application for Writ of *Habeas Corpus* by a Person in Federal Custody under 28 U.S.C. § 2241¹ (Document No. 2.).

Pursuant to 28 U.S.C. § 2241(a), a writ of *habeas corpus* “may be granted by the Supreme Court, any justice thereof, the district court and any circuit judge *within their respective jurisdictions.*” 28 U.S.C. § 2241(a)(emphasis added). Title 28 U.S.C. § 2242 provides that a petitioner should name “the person who has custody over him” as the respondent to his *habeas* petition. 28 U.S.C. § 2242. The custodian is “the person with the ability to produce the prisoner’s body before the habeas court.” Rumsfeld v. Padilla, 542 U.S. 426, 434, 124 S.Ct. 2711, 159 L.Ed.2d 513 (2006). The Court finds that Petitioner is currently incarcerated at USP Lewisburg, which is located in Lewisburg, Pennsylvania. This Court, however, does not have jurisdiction over Petitioner’s current warden, who is located in Pennsylvania. Jurisdiction with respect to the claims

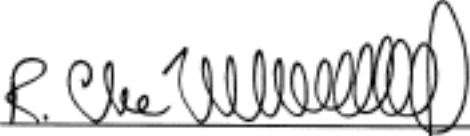
¹ Petitioner contends that his due process rights were violated during disciplinary proceedings at FCI Beckley.

which Petitioner raised herein is therefore in the Middle District of Pennsylvania. Accordingly, the Court finds that the transfer of this matter is in the interest of justice and therefore warranted. See 28 U.S.C. § 1631.

Accordingly, it is hereby **ORDERED** that this matter is **TRANSFERRED** to the Middle District of Pennsylvania pursuant to 28 U.S.C. § 1631. The Clerk is directed to **REMOVE** this matter from the Court's docket.

The Clerk is further directed to send a copy of this Memorandum Opinion and Order to Petitioner, who is acting *pro se*, and the Clerk of the Court for the United States District Court for the Middle District of Pennsylvania.

ENTER: September 27, 2013.



R. Clarke VanDervort
United States Magistrate Judge