

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

**ARTHUR W. ESTRADA
REG. #14483-064**

PETITIONER

v.

CASE NO. 2:10CV00165 BSM/JTR

**T.C. OUTLAW,
Warden, FCI Forrest City**

RESPONDENT

ORDER

Petitioner Arthur W. Estrada (“Estrada”) has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, and a motion to proceed *in forma pauperis*. [Doc. Nos. 1, 2].

According to the financial information provided from prison officials, Estrada: (1) has had an average monthly balance for the last six months of \$40.16; and (2) has had average monthly deposits for the last six months of \$141.63. [Doc. No. 2]. Based on this information, Estrada has sufficient funds to pay the \$5.00 filing fee. Therefore, the motion to proceed *in forma pauperis* is denied, and service of the petition is not appropriate at this time.

Additionally, Estrada has filed a change of address indicating that he has been transferred to a BOP facility in Taft, California. [Doc. No. 4]. The BOP’s website lists Estrada’s location as USP Victorville in Adelanto, California, in the Middle District of California. See <http://www.bop.gov/iloc2/LocateInmate.jsp>. Because Estrada’s immediate custodian is not within the Eastern District of Arkansas, his case is dismissed, without

prejudice, for lack of jurisdiction. *See Rumsfeld v. Padilla*, 542 U.S. 426, 442 (2004) (Section 2241 requires “that the court issuing the writ have jurisdiction over [petitioner's] custodian.”); *Rasul v. Bush*, 542 U.S. 466, 478-79 (2004) (“[A] district court acts within [its] respective jurisdiction within the meaning of § 2241 as long as the custodian can be reached by service of process.”) (citations omitted); *see also* 28 U.S.C. § 2243 (“The writ, or order to show cause shall be directed to the person having custody of the person detained.”).

If Estrada wishes to proceed with his § 2241 habeas action, he should file his petition in the Middle District of California, and pay the \$5.00 filing fee.

IT IS THEREFORE ORDERED THAT petitioner’s motion to proceed *in forma pauperis* [Doc. No. 1] is DENIED, and his case is DISMISSED, WITHOUT PREJUDICE.

Dated this 12th day of November, 2010.


UNITED STATES DISTRICT JUDGE