

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

PHILIP N. JOHNSON,

Petitioner,

V.

C.R. GOETZ,

Respondent.

Case No. 1:17-cv-01355-SKO HC

ORDER TRANSFERRING THIS CASE TO
THE U.S. DISTRICT COURT FOR THE
DISTRICT OF COLORADO

(Doc. 1)

Petitioner, a federal prisoner detained at the Federal Correctional Institution (FCI), Florence, proceeds with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner alleges constitutional violations from a 2016 incident at FCI Mendota.

A habeas action is subject to jurisdictional and statutory limitations. See Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484 (1973). A state or federal prisoner seeking to challenge his present physical custody within the United States must file the petition in the district of confinement. Rumsfield v. Padilla, 542 U.S. 426, 443 (2004). FCI Florence is located within the District of Colorado.

Accordingly, the Court hereby ORDERS that this case be TRANSFERRED to the United States District Court for the District of Colorado.

IT IS SO ORDERED.

Dated: October 30, 2017

/s/ *Sheila K. Oberlo*
UNITED STATES MAGISTRATE JUDGE