

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BYRON AMES,

Petitioner, No. CIV S-08-0952 FCD EFB F

VS.

BUREAU OF PRISONS,

**Respondent. ORDER**

Petitioner, a federal prisoner without counsel, seeks a writ of habeas corpus under 28

17 U.S.C. § 2241. Petitioner challenges the Bureau of Prisons' interpretation and execution of his  
18 sentence, which was imposed by this court (the Honorable Morrison C. England, Jr., presiding)  
19 on March 28, 2008. Petitioner does not contend that the sentence itself was unlawful, but rather  
20 that the Bureau has interpreted it and executed it in an unlawful manner.

21 Petitions challenging the execution of a sentence, rather than its legality, are properly  
22 brought under 28 U.S.C. § 2241 in the court for the geographic territory encompassing the prison  
23 in which the petitioner is confined (the “custodial court”) rather than the court in which  
24 petitioner was sentenced. *Hernandez v. Campbell*, 204 F.3d 861, 864-65 (9th Cir. 2000).  
25 Petitioner, incarcerated in the federal detention center in Sheridan, Oregon at the time he filed  
26 the petition, submitted a Notice of Change of Address on August 21, 2008 indicating transfer to

1 the Cornell Corrections facility in Oakland, California. Thus, at the time the petition was filed,  
2 jurisdiction was proper in the United States District Court for the District of Oregon. However,  
3 since petitioner has since been relocated, it now appears that jurisdiction is proper in the United  
4 States District Court for the Northern District of California, which encompasses Oakland.

5 Accordingly, it is hereby ordered that, within 30 days from the date of this order,  
6 petitioner show cause why the petition should not be transferred to the United States District  
7 Court for the Northern District of California.

8 Dated: June 22, 2010.

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10 EDMUND F. BRENNAN  
11 UNITED STATES MAGISTRATE JUDGE

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