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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HENRY KAPONONUIAHOPILI,
Petitioner,
v.
PAUL COPENHAVER,
Respondent.

No. 2:13-cv-1895 KJN P

ORDER

Petitioner is a federal prisoner incarcerated in Atwater Penitentiary, in Merced County, California. Petitioner, who proceeds in pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis. It appears, however, that the petition is more appropriately characterized as one pursuant to 28 U.S.C. § 2241. Petitioner has previously challenged his 2007 conviction and sentence by the U.S. District Court of Hawaii, on direct appeal, U.S. v. Lii, 2007 WL 4462983 (9th Cir. 2007), and in a petition filed pursuant to 28 U.S.C. § 2255, Lii v. U.S., 2009 WL 3526700 (D. Hawai‘i 2009).

Section 2241 allows “the Supreme Court, any justice thereof, the district courts and any circuit judge” to grant writs of habeas corpus “within their respective jurisdictions.” 28 U.S.C. § 2241(a). The Court has interpreted the “within their respective jurisdictions” language of § 2241 to mean that the court issuing the writ must have jurisdiction over the custodian. Rumsfeld v. Padilla, 542 U.S. 426, 440–42 (2004). A petition under 28 U.S.C. § 2241 “must be addressed to

1 the district court which has jurisdiction over [petitioner] or his custodian.” Brown v. United
2 States, 610 F.2d 672, 677 (9th Cir.1980) (citing Braden v. 30th Judicial Circuit Court, 410 U.S.
3 484 (1973)).

4 Merced County is part of the Fresno Division of the United States District Court for the
5 Eastern District of California. See Local Rule 120(d). Pursuant to Local Rule 120(f), a civil
6 action which has not been commenced in the proper division of a court may, on the court’s own
7 motion, be transferred to the proper division of that court. Therefore, this action will be
8 transferred to the Fresno Division of this court. The court has not ruled on petitioner’s request to
9 proceed in forma pauperis.

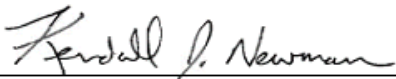
10 Good cause appearing, IT IS HEREBY ORDERED that:

- 11 1. This court has not ruled on petitioner’s request to proceed in forma pauperis;
- 12 2. This action is transferred to the United States District Court for the Eastern District of
13 California sitting in Fresno; and
- 14 3. All future filings shall reference the new Fresno case number assigned and shall be

15 filed at:

16 United States District Court
17 Eastern District of California
2500 Tulare Street
Fresno, CA 93721

18 Dated: September 17, 2013

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20 _____
KENDALL J. NEWMAN
21 UNITED STATES MAGISTRATE JUDGE

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