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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN ROBERT DEMOS, JR.,  
Petitioner,  
v.  
UNITED STATES OF AMERICA, et al.,  
Respondents.

No. 2:15-cv-0204 CKD HC

ORDER

Petitioner, a pretrial detainee proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner is presently incarcerated at the Washington State Penitentiary in Walla Walla, Washington. He challenges criminal proceedings in the Yakima County Superior Court. (ECF No. 1 at 2.)

Relief under a petition for writ of habeas corpus extends to a person in custody under the authority of the United States. 28 U.S.C. § 2241(c)(3). A federal prisoner may “challenge the manner in which a sentence is executed” by filing a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Capaldi v. Pontesso, 135 F.3d 1122, 1123 (6th Cir. 1998). A petition under 28 U.S.C. § 2241 “must be addressed to the district court which has jurisdiction over [petitioner] or his custodian.” Brown v. United States, 610 F.2d 672, 677 (9th Cir. 1980), citing Braden v. 30th Judicial Circuit Court, 410 U.S. 484 (1973).

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1 Here, petitioner does not appear to be a federal prisoner to whom § 2241 applies. In any  
2 event, the general rule with regard to habeas applications is that both the United States District  
3 Court in the district where petitioner was convicted and the District Court where petitioner is  
4 incarcerated have jurisdiction over the claims. See Braden v. 30th Judicial Circuit Court, 410  
5 U.S. 484 (1973). In the instant case, petitioner's place of incarceration is in an area covered by  
6 the District Court for the Eastern District of Washington.

7 Accordingly, in the furtherance of justice, IT IS HEREBY ORDERED that this matter is  
8 transferred to the United States District Court for the Eastern District of Washington. Id. at 499  
9 n.15; 28 U.S.C. § 2241(d).

10 Dated: March 30, 2015

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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