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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESSE MANUEL SKINNER,

 Petitioner,

 v.

UNITED STATES DEPARTMENT OF
JUSTICE, et al.,

 Respondents.

No. 2:18-cv-0043 KJM AC P

ORDER TRANSFERRING CASE TO THE
UNITED STATE DISTRICT COURT,
CENTRAL DISTRICT OF CALIFORNIA,
EASTERN DIVISION

Petitioner is a federal prisoner proceeding pro se with a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241, on the putative ground that his remedy under 28 U.S.C. § 2255 is inadequate and/or because he has not obtained authorization to pursue a successive Section 2255 petition.¹ Petitioner has paid the filing fee.

Petitioner is serving a thirty-five year sentence based on 2004 convictions in the Southern District of Mississippi.² Petitioner was recently transferred from two prisons within the

¹ See 28 U.S.C. § 2255(h); 28 U.S.C. § 2244 (Court of Appeals must authorize successive petition).
² See United States v. Skinner, Case No. 1:02-cr-0093 DCB (S. D. Miss. Feb. 17, 2004) (convictions and original forty-five year sentence); United States v. Skinner, Case No. 1:02-cr-0093 DCB (S.D. Miss. Dec. 14, 2015) (reducing sentence to thirty-five years). See also Skinner v. United States Department of Justice, Case No. 1:17-cv-0335 HSP JCG (S.D. Miss. Dec. 12, 2017).


1 jurisdiction of this United States District Court, Eastern District of California, to the United States
2 Penitentiary in Victorville, California, which is located within the jurisdiction of the United States
3 District Court for the Central District of California, Eastern Division.

4 This court is now without jurisdiction to consider the petition under either 28 U.S.C. §
5 2241 or 28 U.S.C. § 2255. Because this court is not the custodial court, it cannot consider the
6 petition under Section 2241. See Hernandez v. Campbell, 204 F.3d 861, 865 (9th Cir. 2000) (“a
7 habeas petition filed [by a federal prisoner] pursuant to § 2241 must be heard in the custodial court”).
8 Because this court is not the sentencing court, it cannot consider the petition under Section 2255. See
9 28 U.S.C. § 2255(a) (a petition “to vacate, set aside or correct the sentence” must be made in the
10 “court which imposed the sentence”).

11 Accordingly, in furtherance of justice, IT IS HEREBY ORDERED that this matter is
12 transferred to the United States District Court for the Central District of California, Eastern
13 Division (San Bernardino County). See 28 U.S.C. § 1406(a) (transfer of venue in the interest of
14 justice).

15 IT IS SO ORDERED.

16 DATED: March 22, 2018

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18 ALLISON CLAIRE
19 UNITED STATES MAGISTRATE JUDGE
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