



1 Under 28 U.S.C. § 2241, a federal court has the authority to  
2 entertain a petition for a writ of habeas corpus brought by a  
3 petitioner who is within the court's jurisdiction at the time the  
4 petition is filed. See 28 U.S.C. § 2241(a); Rumsfeld v. Padilla,  
5 542 U.S. 426, 442 (2004) ("District courts are limited to granting  
6 habeas relief 'within their respective jurisdictions.'" (quoting  
7 28 U.S.C. § 2241(a)). A federal petition for a writ of habeas  
8 corpus made by a person in custody under the judgment and sentence  
9 of a state court is properly filed in either the district of  
10 confinement or the district of conviction. 28 U.S.C. § 2241(d).

11 Here, Petitioner neither was convicted nor is confined in  
12 California. Thus, the Court does not have jurisdiction over the  
13 petition. In its discretion, the Court could transfer the  
14 petition to the district court in Washington:

15 Whenever a civil action is filed in a court . . . and  
16 that court finds that there is a want of jurisdiction,  
17 the court shall, if it is in the interest of justice,  
transfer such action . . . to any other such court in  
which the action could have been brought . . . .

18 28 U.S.C. § 1631. The Court is aware, however, that Petitioner is  
19 a frequent filer in numerous courts across the country, and that  
20 he recently has filed several other habeas petitions challenging  
21 his conviction. See, e.g., Demos v. U.S. Secretary of Defense, et  
22 al., Case No. 1:12-cv-12398-PBS (D. Mass.) (filed Dec. 27, 2012);  
23 Demos v. U.S. Secretary of Defense, et al., Case No. 2:12-cv-  
24 07203-SD (E.D. Pa.) (filed Dec. 26, 2012); Demos v. Holder, et  
25 al., Case No. 1:12-cv-03715-CCB (D. Md.) (filed Dec. 18, 2012).  
26 Further, he currently has pending in the Western District of  
27 Washington a § 2241 petition that has been construed as a § 2254  
28 habeas petition because he is a state prisoner. See Demos v.

1 Holder, et al., Case No. 2:12-cv-02137-JCC (W.D. Wa.) (filed Dec.  
2 10, 2012).

3       Based on the above, the Court finds that it is not in the  
4 interest of justice to transfer the petition. Accordingly, the  
5 petition is DENIED without prejudice and is DISMISSED for lack of  
6 jurisdiction.

7       The Clerk of the Court shall terminate all pending motions in  
8 the present action, enter judgment and close the file.

9       IT IS SO ORDERED.

10 Dated: 1/8/2013

  
11 CLAUDIA WILKEN  
United States District Judge