

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

MATIAS SOLA QUIRINO,  
Petitioner,  
  
v.  
  
LORETTA E. LYNCH, et al.,  
Respondents.

Case No. [5:16-cv-02464-EJD](#)

**ORDER TRANSFERRING CASE**

The court has carefully reviewed Petitioner's response to the Order to Show Cause (Dkt. No. 12), but maintains its conclusion that the District of Arizona is the proper court to adjudicate Petitioner's claims under 28 U.S.C. § 2241. See Brittingham v. United States, 982 F.2d 378, 379 (9th Cir. 1992) ("The proper respondent in a federal habeas corpus petition is the petitioner's 'immediate custodian' . . . . A custodian 'is the person having a day-to-day control over the prisoner. That person is the only one who can produce the body of the petitioner.'"); see also United States v. Giddings, 740 F.2d 770, 772 (9th Cir. 1984) (holding that a § 2241 writ "can issue only from a court with jurisdiction over the prisoner or his custodian").

Accordingly, the Clerk shall TRANSFER this case to the United States District Court for the District of Arizona and close this court's file.

**IT IS SO ORDERED.**

Dated: May 16, 2016

  
EDWARD J. DAVILA  
United States District Judge