

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDRE JUSTE,
Petitioner,
v.
ROBERT JUDGE, Warden,
Respondent.

Case No. 17-CV-04371 LHK (PR)
ORDER OF TRANSFER

Petitioner, an immigration detainee, has filed a federal petition for writ of habeas corpus, under 28 U.S.C. § 2241. Petitioner is currently being held at the Buffalo Federal Detention Facility in Buffalo, New York. According to the petition, petitioner has a petition for review pending in the United States Court of Appeals for the Second Circuit. Pet. at 2. Petitioner’s underlying federal habeas petition appears to be challenging his current detention.

Section 2241 allows “the [U.S.] 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 U.S. Supreme Court has held that personal jurisdiction over a federal habeas corpus petition lies exclusively in the single federal judicial district in which both the custodian of the prisoner and the prisoner reside. *Ahrens v. Clark*, 335 U.S. 188, 190-91 (1948).

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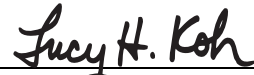
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Where a petitioner is incarcerated in one state and files a Section 2241 petition in a federal district court in another state, the federal district court in which the petition is filed lacks jurisdiction over the petitioner’s custodian to effect process or to enforce court orders and must accordingly transfer or dismiss the petition. *See, e.g., Hassain v. Johnson*, 790 F.2d 1420, 1420 (9th Cir. 1986) (no jurisdiction in California to address a petition where inmate incarcerated in Arizona).

Because petitioner is incarcerated within the jurisdiction of the Western District of New York, this case is TRANSFERRED To the Western District of New York. *See* 28 U.S.C. § 1404(a). The Clerk shall transfer this matter forthwith.

IT IS SO ORDERED.

DATED: 10/25/2017



LUCY H. KOH
UNITED STATES DISTRICT JUDGE