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## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

TROY CLIFFORD FORD,

VS.

TERESER BANKS,

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Petitioner,

Respondent.

CASE NO. 09cv1159 BEN (CAB)

ORDER DISMISSING § 2241 PETITION

Petitioner Troy Clifford Ford has filed a petitioner for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner does not challenge his convictions or sentences imposed by a United States District Court in Alabama and an Alabama state court. Rather, he challenges his continued confinement. Petitioner alleges that he has served his sentences and is being unlawfully held in custody at FCC Victorville II in Adelanto, California.

Petitioner is challenging the execution of his sentence in a facility located within the boundaries of the United States District Court for the Central District of California. "The proper forum to challenge the execution of a sentence is the district where the prisoner is confined." *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989) (citing *United States v. Giddings*, 740 F.2d 770, 772 (9th Cir. 1984)).

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When a petitioner challenges the execution of his sentence, the petitioner must name the warden of the facility where he is confined and "file his action in the district court whose territorial limits include his place of confinement." *Id.* "Failure to file a section 2241 petition attacking the execution of his federal sentence in the district where he is confined, denies the district court of personam jurisdiction over the warden to carry out its orders." *Id.* at 250. Because this Court lacks personam jurisdiction over the named respondent, the Warden of FCC Victorville II, dismissal of the Petition is appropriate.

United States District Court

The Petition is **DISMISSED** without prejudice.

DATED: February 5, 2011

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