

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

JOHN ROBERT DEMOS,
Petitioner,

v.

WARDEN,
Respondent.

No. 3:15-cv-1105 (SRU)

ORDER

John Robert Demos, who is currently confined at the Washington State Penitentiary in Walla Walla, Washington, filed this petition under 28 U.S.C. § 2254 for a writ of habeas corpus. A writ of habeas corpus must be directed to the “custodian” of a detainee. *See* 28 U.S.C. § 2243 (“The writ, or order to show cause[,] shall be directed to the person having custody of the person detained.”). The “custodian” of the detainee is the official in charge of the facility that has day-to-day control over him and can “produce the actual body.” *See Yi v. Maugans*, 24 F.3d 500, 507 (3d Cir. 1994); *see also Guerra v. Meese*, 786 F.2d 414, 416 (D.C. Cir. 1986). That custodian, therefore, is the warden at the facility where the petitioner is confined, because a “prisoner . . . is under the control of a warden and confined in a prison, and . . . is seeking, in a habeas corpus action, to be released from precisely that form of confinement.” *Billiteri v. United States Bd. of Parole*, 541 F.2d 938, 948 (2d Cir. 1976).

This court does not have personal jurisdiction over the warden of the Washington State Penitentiary, because the warden of a facility in Washington cannot be served with process (and therefore cannot be served with a writ of habeas corpus) in the state of Connecticut. No writ may issue where there is no personal jurisdiction over the custodian. Accordingly, this case is dismissed without prejudice to re-filing in the Eastern District of Washington.

So ordered.

Dated at Bridgeport, Connecticut, this 30th day of July 2015.

/s/ STEFAN R. UNDERHILL
Stefan R. Underhill
United States District Judge