

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 11-20467-CIV-ALTONAGA/White**

**MARIO JOSEPH,**

Petitioner,

vs.

**ERIC H. HOLDER, JR., et al.,**

Respondents.

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**ORDER**

**THIS CAUSE** came before the Court on the Report Recommending Transfer of Venue (“Report”) [ECF No. 18], filed March 28, 2011. Magistrate Judge Patrick A. White issued the Report, recommending the Respondents’<sup>1</sup> Motion to Transfer Case to the Middle District of Florida (“Motion”) [ECF No. 17] be granted and the case transferred to the Middle District of Florida. (*See* Report 1–2).

In his Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 [ECF No. 1], Petitioner, Mario Joseph (“Joseph”), seeks immediate release because the United States has so far been unsuccessful in its efforts to deport him. (*See* Pet. 1). On March 11, 2011, Mr. Joseph filed a change of address [ECF No. 14], stating he had been transferred to Baker County Jail, located in MacClenny, Florida 32063. MacClenny, Florida is located near the Georgia border in Baker County. And Baker County is within the Middle District of Florida, not the Southern District of Florida. *See*

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<sup>1</sup> Respondents are Eric H. Holder, Jr., Attorney General of the United States; M.J. Moore, Florida Field Operations Director, United States Immigration and Customs Enforcement Office of Detention and Removal Operations, Department of Homeland Security; Kim Boulia, Field Director, United States Immigration and Customs Enforcement Office of Detention and Removal Operations, Department of Homeland Security; Michael Meade, Field Operator Director, Secretary, ICE, Department of Homeland Security; and Janet Napolitano, Secretary of the United States Department of Homeland Security.

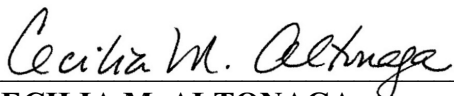
28 U.S.C. §§ 89(b), (c).

Because Mr. Joseph is currently incarcerated in the Middle District of Florida, this case is located in the wrong district. “Section 2241 petitions may be brought only in the district court for the district in which the inmate is incarcerated.” *Fernandez v. United States*, 941 F.2d 1488, 1495 (11th Cir. 1991). The undersigned therefore agrees with Judge White that this case should be transferred to the Middle District of Florida.

Based on the foregoing, it is **ORDERED AND ADJUDGED** that the Report Recommending Transfer of Venue [ECF No. 18] is **AFFIRMED AND ADOPTED** as follows:

- (1) Respondents’ Motion [ECF No. 17] is **GRANTED**.
- (2) The Clerk is directed to transfer the Petition to the Middle District of Florida for all further proceedings. Should the Petitioner have good cause to object, he may file a motion for reconsideration. The Clerk is further requested to mark this case as **CLOSED**.

**DONE AND ORDERED** in Chambers at Miami, Florida, this 28th day of March, 2011.

  
**CECILIA M. ALTONAGA**  
**UNITED STATES DISTRICT JUDGE**

cc: counsel of record  
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Baker County Jail  
P.O. Box 1629  
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