

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

GEORGE ARTHUR BRUMFIELD (#129996)

VERSUS

CIVIL ACTION

STATE OF ALABAMA OFFICIALS AND
EMPLOYEES, ET AL

NUMBER 12-641-BAJ-SCR

RULING

This matter is before the court on petitioner's Petition For a Writ of Habeas Corpus Under 28 U.S.C. § 2241.

Petitioner is a state prisoner sentenced to the custody of the Alabama Department of Corrections and is currently incarcerated in the Limestone Correctional Facility, Harvest, Alabama.

In 1981, the petitioner was extradited from Louisiana on two charges of rape in Tuscaloosa County, Alabama. Petitioner was subsequently convicted and sentenced to 170 years imprisonment. In 1982, after entering the custody of the Alabama Department of Corrections, the petitioner was sent back to Louisiana to serve a 50 year sentence there. Petitioner alleged that after completing his sentence in the State of Louisiana in 2007, he was extradited to the State of Alabama to serve the remainder of his sentences on the two rape convictions.

Petitioner filed his § 2241 application challenging his Alabama state court convictions and the manner in which he is serving his sentences.

A petition for habeas corpus filed under § 2241 must be filed in the district with

jurisdiction over the prisoner or his custodian. *Pack v. Yusuff*, 218 F.3d 448, 451 (5th Cir. 2000). The district of incarceration is the only district that has jurisdiction to entertain a defendant's § 2241 petition. *Lee v. Wetzel*, 244 F.3d 370 (5th Cir. 2001). This court does not have jurisdiction over this claim because the petitioner is not incarcerated in this district.¹

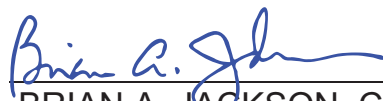
Even if the petitioner's habeas corpus application were construed as one brought pursuant to 28 U.S.C. § 2254, the application would be subject to dismissal. This court does not have jurisdiction over the petitioner's claims because he was not convicted in this district nor is he incarcerated in this district. 28 U.S.C. §2241(d).

Accordingly,

Petitioner George Arthur Brumfield's Petition For a Writ of Habeas Corpus Under 28 U.S.C. § 2241 shall be dismissed for lack of subject matter jurisdiction.

Judgment shall be entered accordingly.

Baton Rouge, Louisiana, October 11, 2012.



BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

¹ Prior to filing his § 2241 application in this district, the petitioner filed *George Arthur Brumfield v. Alabama Department of Corrections, et al*, CV 12-479-TMH-WC, a § 2241 application, in the United States District for the Middle District of Alabama. On June 22, 2012, the case was transferred to the Northern District of Alabama and filed as CV 12-2248-SLB-TMP. The § 2241 application is currently pending on that court's docket.