

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

EDISON CARL HESTER,)	
)	
Petitioner,)	
)	
v.)	No. 4:13CV455 AGF
)	
MARTY MARTIN-FORMAN,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on petitioner’s pro se petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner maintains that his right to a speedy trial has been infringed upon, and petitioner challenges a pretrial order from the Circuit Court for the City of St. Louis finding that he should be committed to the Department of Mental Health to evaluate his mental capacity. See State v. Hester, Cause No. 1022-CR05232-01 (22nd Judicial Cir.) (commitment order filed October 26, 2012). Plaintiff is currently confined at Fulton State Hospital, which is located in Callaway County, Missouri. Respondent is the Chief Operating Officer at Fulton State Hospital.

A district court’s jurisdiction over writs filed pursuant to 28 U.S.C. § 2241 is geographically limited to the judicial district in which petitioner’s custodian is located. 28 U.S.C. § 2241(a); Rumsfeld v. Padilla, 542 U.S. 426, 442 (2004). Callaway County

is located in the Western District of Missouri. 28 U.S.C. § 105(b)(4). As a result, the Court lacks subject matter jurisdiction over the petition.

Rule 12(h)(3) requires that a district court dismiss a case if it “determines at any time that it lacks subject-matter jurisdiction.” As a result, the Court will dismiss this action without prejudice to refile in the proper district court.

Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED** without prejudice.

IT IS HEREBY ORDERED that all pending motions are **DENIED** as moot.

An Order of Dismissal will be filed with this Memorandum and Order.

Dated this 11th day of July, 2013.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE