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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BRIAN KERRY O'KEEFE,

Petitioner,

v.

ROBERT LEGRAND, *et al.*,

Respondents.

Case No. 3:16-cv-00430-MMD-VPC

ORDER

Before the Court are respondents' motion to dismiss (ECF No. 15), petitioner's opposition (ECF No. 17), and respondents' reply (ECF No. 18). The Court finds that petitioner has commenced this action in the wrong forum. The Court grants the motion to dismiss.

Petitioner has been convicted of crimes in Nevada, but in this action he is not challenging the validity of his custody pursuant to any Nevada judgment of conviction. Instead, petitioner is challenging the validity of a detainer issued out of Fairfield County, Ohio. (*See* Exh. 1 (ECF No. 15-1).)

Respondents argue, and the Court agrees, that this Court is not the appropriate forum for challenging the validity of a detainer issued out of Fairfield County, Ohio. The more suitable forum would be the United States District Court for the Southern District of Ohio. *See Braden v. 30th Judicial Circuit Court*, 410 U.S. 484, 498-99 & n.15 (1973). This court will transfer the action to that forum.


It is therefore ordered that respondents' motion to dismiss (ECF No. 15) is granted in part with respect to the change of forum and denied in part with respect to all other requests.

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It is further ordered that the Clerk of the Court will transfer this action to the United States District Court for the Southern District of Ohio, Eastern Division, 85 Marconi Blvd., Room 121, Columbus, OH 43215.

It is further ordered that the Clerk of the Court administratively close this action.

DATED THIS 25th day of September 2017.



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE