

UNITED STATES DISTRICT COURT
 DISTRICT OF NEW JERSEY

JOAQUIN IRWIN FOY,	:	
	:	
	:	
Petitioner,	:	Civ. No. 15-1869 (NLH)
	:	
v.	:	OPINION
	:	
THE SUPER-RICH MEMBERS OF	:	
THE ILLUMINATI, et al.,	:	
	:	
Respondents.	:	

APPEARANCES:
 Joaquin Irwin Foy, # 77218-079
 F.M.C. Rochester
 P.O. Box 4000
 Rochester, MN 55903
 Plaintiff Pro se

HILLMAN, District Judge

Petitioner Joaquin Irwin Foy, a prisoner confined at the Federal Medical Center in Rochester, Minnesota, files this petition for a writ of habeas corpus under 28 U.S.C. § 2241. While his Petition is difficult to decipher, ultimately, Petitioner seeks release from custody. He also requests appointment of pro bono counsel and an evidentiary hearing. (Pet. 32, ECF No. 1).

Petitioner does not provide a docket number for the underlying criminal conviction or commitment he is challenging by way of his Petition, nor does he indicate in what court he

was sentenced. A review of this Court's docket indicates that Petitioner did not, and does not, have a case in the District of New Jersey. Rather, his underlying criminal cases proceeded in the United States District Courts for the Eastern District of Pennsylvania and for the Western District of Missouri. See USA v. Foy, Crim. No. 03-393 (ER) (E.D.Pa.); USA v. Foy, Crim. No. 03-857 (E.D.Pa.) (unassigned judge).¹

Because Petitioner is not attacking any conviction or sentence, or the execution of any sentence, imposed by a United States District Court in the District of New Jersey, this Court lacks jurisdiction to consider the Petition. See 28 U.S.C. § 2255(a) (petitions filed under § 2255 must be brought in the district court which imposed the sentence); See Meyers v. Martinez, 402 F. App'x 735, 735 (3d Cir. 2010) (the proper venue

¹ Petitioner has also filed at least two habeas petitions in the Eastern District of Pennsylvania: one pursuant to 28 U.S.C. § 2255, see Foy v. United States of America, Civ. No. 10-3354 (E.D.Pa.) (proceedings not available on court's PACER system); and another pursuant to 28 U.S.C. § 2241, see Foy-El-Mahdi v. United States Government, et al., Civ. No. 03-5584 (E.D.Pa. Oct. 7, 2003). Additionally, Petitioner has filed a civil rights complaint in Pennsylvania, Foy v. Supt. of Philadelphia Prisons, et al., Civ. No. 03-2270 (E.D.Pa. May 27, 2003) (dismissed as in contravention with previous order of the court and as frivolous). Another habeas petition filed by Petitioner (Civ. No. 10-4052 (E.D.Pa.) pursuant to 28 U.S.C. § 2241, was transferred by the District Court for the Eastern District of Pennsylvania to the District Court for the Western District of Missouri because it challenged a conviction and sentence imposed by the United States District Court for the Western District of Missouri. Order, USA v. Foy, Crim. No. 03-393 (E.D.Pa. Aug. 18, 2010) ECF No. 24.

for a § 2241 proceeding is the prisoner's district of confinement) (internal citations omitted); see also Toney v. Fishman, Civ. No. 12-2108, 2014 WL 1232321 (D.N.J. Mar. 25, 2014) (collecting cases).

Accordingly, the Petition will be dismissed for lack of jurisdiction.

CONCLUSION

For the reasons set forth above, this matter will be dismissed for lack of jurisdiction. Petitioner is advised that any future habeas applications should be filed in the appropriate venue.

Petitioner is further advised that any future habeas petition should name the proper Respondent in accordance with 28 U.S.C. § 2242, and, if required, should include either the filing fee or a complete application for leave to proceed in forma pauperis.

An appropriate Order will be entered.

 s/ Noel L. Hillman
NOEL L. HILLMAN
United States District Judge

Dated: April 7, 2015
At Camden, New Jersey