



Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a State which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application.

**28 U.S.C. § 2241(d).** “Whenever a § 2241 habeas petitioner seeks to challenge his present physical custody within the United States, he should name his warden as respondent and file the petition in the district of confinement.” *Rumsfeld v. Padilla*, 542 U.S. 426, 447 (2004); *accord*, *United States v. Little*, 392 F.3d 671, 680 (4<sup>th</sup> Cir. 2004); *United States v. Bailey*, 2006 WL 15011 (4<sup>th</sup> Cir. 2006).

**IT IS, THEREFORE, ORDERED** that this petition is hereby **DISMISSED** without prejudice to refiling in the District of confinement.

3

Signed: February 22, 2006

A handwritten signature in black ink, appearing to read "Lacy H. Thornburg", written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

