

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

LONNIE RARDEN,

Petitioner,

: Case No. 1:12-cv-660/1:12-cv-756

- vs -

District Judge Michael R. Barrett
Magistrate Judge Michael R. Merz

WARDEN, Warren Correctional Institution,

:

Respondent.

ORDER DENYING MOTION FOR INTERVENTION

These cases are before the Court on Petitioner's Motion for Intervention (Doc. No. 22) which seeks an order from this Court to prevent his transfer by the Ohio Department of Rehabilitation and Corrections "to any other institutions outside the jurisdiction of this Court." *Id.* at PageID 1733.

Supreme Court case law makes it clear that "if a petitioner properly brings a habeas corpus case in a particular district and then is transferred to another jurisdiction while the petition is pending, the court in which the petition was originally filed retains jurisdiction and remains the appropriate venue." Herz & Liebman, *Federal Habeas Corpus Practice and Procedure* 6th, § 10.2, citing *Rumsfeld v. Padilla*, 542 U.S. 426, 441 (2004); *Ex parte Endo*, 323 U.S. 283, 306 (1944).

There is accordingly no need to intervene to prevent Petitioner's transfer in order to

protect the jurisdiction of this Court over this case. The Motion for Intervention is therefore DENIED.

January 28, 2015.

s/ *Michael R. Merz*
United States Magistrate Judge