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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

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8 BRIAN KERRY O'KEEFE,

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

9 Petitioner,

ORDER

10 v.

11 ROBERT LEGRAND, *et al.*,

12 Respondents.

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

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

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

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

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

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

5 DATED THIS 25th day of September 2017.

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MIRANDA M. DU
UNITED STATES DISTRICT JUDGE