

United States District Court
Southern District of Texas

ENTERED

September 09, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

RICARDO BANUELOS,	§	
	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. 2:19-CV-257
	§	
CYNTHIA SWAIN,	§	
	§	
Respondent.	§	


OPINION AND ORDER OF TRANSFER

This is a habeas action filed pursuant to 28 U.S.C. § 2241 on August 25, 2019 and received by this Court on September 4, 2019. (D.E. 1). Petitioner Ricardo Banuelos (89566-379), who is challenging the calculation of his projected release date by the Bureau of Prisons, is incarcerated at FCI Victorville in San Bernardino County, California, which is within the Central District of California. (D.E. 1).

It is well established that a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241 must be filed in the district where the prisoner is incarcerated. *Hooker v. Sivley*, 187 F.3d 680, 682 (5th Cir. 1999) (citation omitted); *see also Pack v. Yusuff*, 218 F.3d 448, 451 (5th Cir. 2000) (citations omitted). FCI Victorville is located in San Bernardino County, California which is within the jurisdiction of the United States District Court for the Central District of California, Eastern Division. 28 U.S.C. § 84(c)(1). Therefore, even though Petitioner was sentenced within the Southern District of Texas, this Court does not have jurisdiction to address Petitioner’s claims.

Rather than dismissal, the Court finds this case is more appropriately transferred. Therefore, the Clerk of Court is **ORDERED** to **TRANSFER** this case to the United States District Court for the Central District of California, Eastern Division. All pending Motions are **DENIED** as moot and the Clerk of Court is **DIRECTED** to **CLOSE** this case.

ORDERED this 9th day of September, 2019.


Jason B. Libby
United States Magistrate Judge