

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

JONATHAN LEE RICHES,

Petitioner,

v.

**Civil Action No. 1:08cv46
(Judge Keeley)**

**COLEMAN J. FENTON AND
THE FEDERAL CORRECTIONAL
INSTITUTION - WILLIAMSBURG,**

Respondents.

ORDER TRANSFERRING CASE

The petitioner is a *pro se* federal prisoner who seeks a writ of habeas corpus under 28 U.S.C. § 2241. However, the proper respondent in a habeas corpus action is the petitioner's warden or immediate custodian. Rumsfield v. Padilla, 542 U.S. 426 (2004). At the time Mr. Riches filed this case, he was incarcerated at FCI - Williamsburg in Salters, South Carolina. Inasmuch as that facility is not within this judicial district, this court lacks personal jurisdiction over Mr. Riches custodian.

Because this court lacks jurisdiction over the petitioner's custodian for purposes of 28 U.S.C. § 2241, the Court finds it in the interests of justice and judicial economy to transfer the case. Therefore, this case is hereby **TRANSFERRED** to the United States District for the District of South Carolina for all further proceedings. 28 U.S.C. § 1406(a). Whether the petitioner should be permitted to proceed on the merits of his claims under § 2241 is a determination to be made by the transferee court.

Accordingly, the Clerk is directed to mail a copy of this Order to the petitioner, and to mail the original court file to the Clerk of Court for the United States District Court for the District of

South Carolina, 901 Richland Street, Columbia, South Carolina 29201. Petitioner is hereby directed to send any further correspondence or filings in this matter to that address.

IT IS SO ORDERED.

DATED: January 23, 2008.

John S. Kaull
JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE