

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Josh Olivas v. State of Texas, et al.

No. 2:25-cv-3263 CKD P, United States District Court for the Eastern District of California (November 19,
2025)

SUMMARY

The court construed a pretrial detainee's pleading challenging his confinement and pretrial proceedings as an application for a writ of habeas corpus under 28 U.S.C. § 2241. Because the petitioner was confined in Taylor County, Texas, and was neither convicted nor confined in California, the court transferred the matter to the United States District Court for the Northern District of Texas.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 JOSH OLIVAS, No. 2:25-cv-3263 CKD P 12 Petitioner, 13 v. ORDER 14
STATE OF TEXAS, et al., 15 Respondent. 16 17 Petitioner is a pretrial detainee in Taylor County,
Texas. While not entirely clear, it 18 appears he challenges his confinement and pretrial
proceedings.

Therefore, the court construes 19 petitioner's pleading as an application for a writ of habeas
corpus.¹ Pursuant to 28 U.S.C § 20 2241(d), courts in both the district of conviction and the
district of confinement have concurrent 21 jurisdiction over applications for habeas corpus filed
by state prisoners. Petitioner was neither 22 convicted in, nor is confined in California.

Since it does not appear petitioner has been convicted, 23 the only appropriate forum for his
petition is in Texas. Taylor County, Texas lies within the 24 jurisdiction of the United State
District Court for the Northern District of Texas. 25 // 26 27 1 When a state prisoner challenges
the legality of his custody and the relief he seeks is the determination of his entitlement to an
earlier or immediate release, his sole federal remedy is a 28 writ of habeas corpus.

Preiser v. Rodriguez, 411 U.S. 475, 500 (1973). 1 In accordance with the above, IT IS HEREBY
ORDERED that this matter is transferred to 2 || the United States District Court for the Northern
District of Texas. 3 || Dated: November 19, 2025 Cad Kt | (£4 (g— 5 UNITED STATES
MAGISTRATE JUDGE 6]. 7 8] 1 9 oliv3263.21 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
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