

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)

OPINION

Josh Olivas v. State of Texas, et al.

PER CURIAM.

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 26 27 28