

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

Lagoa v. Miller

No. 25-CV-9895 (ER) (S.D.N.Y. Dec. 2, 2025) · No. 25-CV-9895 (ER) · Decided December 2, 2025

SUMMARY

The Southern District of New York transfers Felix Lagoa’s pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254 to the Eastern District of New York because his challenged conviction and sentence arose in Kings County. The court closes the case in the Southern District, leaves fee determinations to the transferee court, denies a certificate of appealability, and certifies that an appeal would not be taken in good faith.

CASE DETAILS

COURT	United States District Court for the Southern District of New York
WRITING FOR THE COURT	Edgardo Ramos
JURISDICTION	United States District Court for the Southern District of New York
DECIDED	December 2, 2025
DOCKET	25-CV-9895 (ER)
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254 in the Southern District of New York challenging a 2013 New York state conviction.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Felix Lagoa v. Mark Miller

TOPICS

- federal habeas corpus
- venue
- post-conviction relief
- civil procedure

PRACTICE AREAS

- federal habeas corpus
- civil procedure
- post-conviction relief

QUESTIONS PRESENTED

1. Whether the Southern District of New York was the proper district to hear a § 2254 petition challenging a conviction and sentence imposed in Kings County.
2. Whether a certificate of appealability should issue.
3. Whether petitioner should be permitted to proceed in forma pauperis on appeal.

HOLDINGS

1. A habeas petition brought by a person under the judgment and sentence of a New York state court must be filed, heard, and determined in the federal district where the person was convicted and sentenced; because petitioner was convicted and sentenced in Kings County, the action must be transferred from the Southern District of New York to the Eastern District of New York.
2. A certificate of appealability will not issue because petitioner has not made a substantial showing of the denial of a constitutional right.
3. Petitioner is denied in forma pauperis status for purposes of an appeal because any appeal from the order would not be taken in good faith.

FACTUAL BACKGROUND

Felix Lagoa is incarcerated at Green Haven Correctional Facility and challenges the constitutionality of his 2013 conviction in New York Supreme Court, Kings County. Kings County is located within the Eastern District of New York. Lagoa had previously filed a § 2254 petition in the Eastern District of New York, which was dismissed without prejudice.

PROCEDURAL HISTORY

Lagoa challenged a conviction entered in Kings County, New York, in the Southern District of New York. Because Local Civil Rule 83.3 requires a New York state habeas petition to be filed in the district where the petitioner was convicted and sentenced, the court transferred the action to the Eastern District of New York. The court also stated that the transferee court would determine whether Lagoa could proceed without paying fees, denied in forma pauperis status for any appeal, and declined to issue a certificate of appealability.

DISPOSITION

other

REMAND INSTRUCTIONS

The Clerk is directed to transfer the action to the United States District Court for the Eastern District of New York. The transferee court is to determine whether petitioner may proceed without payment of fees.

CASES CITED

- Lagoa v. Keyser, No. 20-CV-06069 (DG) (E.D.N.Y.)
- Coppedge v. United States, 369 U.S. 438, 444-45 (1962)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK FELIX LAGOA, Petitioner, ORDER -against- 25-CV-9895 (ER) MARK MILLER, Respondent. RAMOS, D.J.: Petitioner, who is currently incarcerated at Green Haven Correctional Facility, brings this petition for a writ of habeas corpus under 28 U.S.C. § 2254 pro se. Petitioner challenges the constitutionality of his 2013 conviction in the New York Supreme Court, Kings County.¹ Under Local Civil Rule 83.3, an application for a writ of habeas corpus made by a person under the judgment and sentence of a court of the State of New York must be filed, heard, and determined in the district court for the district within which the person was convicted and sentenced.

Because Petitioner was convicted and sentenced in Kings County, which is located in the Eastern District of New York, the Court transfers this action under Local Civil Rule 83.3 to the United States District Court for the Eastern District of New York. CONCLUSION The Court directs the Clerk of Court to transfer this action to the United States District Court for the Eastern District of New York.

Whether Petitioner may be permitted to proceed further without payment of fees is a determination to be made by the transferee court. This order closes the case in the Southern District of New York. 1 Petitioner brought an earlier Section 2254 petition in the United States District Court for the Eastern District of New York, which was dismissed without prejudice.

Lagoa v. Keyser, No. 20-CV-06069 (DG) (E.D.N.Y.). Because Petitioner has not at this time made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue under 28 U.S.C. § 2253.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue). SO ORDERED. _____
EDGARDO RAMOS United States District Judge