

**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.

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