

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Emmanuel I. Mgweeney v. Warden of the Otay Mesa Detention
Facility, et al.

Mgweeney · No. 1:25-cv-01200-EPG-HC · Decided September 17, 2025

SUMMARY

The United States District Court for the Eastern District of California transferred a pro se federal immigration detainee’s 28 U.S.C. § 2241 habeas petition to the Southern District of California. The court applied the immediate-custodian and district-of-confinement rules because the petitioner challenged his physical custody at the Otay Mesa Detention Facility in San Diego, California. The court transferred the action in the interest of justice and did not rule on the motion for appointment of counsel.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 17, 2025
DOCKET	1:25-cv-01200-EPG-HC
DISPOSITION	transferred
PROCEDURAL POSTURE	Federal immigration detainee filed a pro se petition for writ of habeas corpus under 28 U.S.C. § 2241 challenging his present physical custody. The Eastern District of California transferred the action to the Southern District of California rather than dismissing it.
PRECEDENTIAL VALUE	Unpublished district court transfer order; precedential status unknown
PARTIES	Emmanuel I. Mgweeney v. Warden of the Otay Mesa Detention Facility, et al.

TOPICS

- venue
- federal habeas corpus
- immigration
- civil procedure

PRACTICE AREAS

- immigration law
- federal habeas corpus
- civil procedure

QUESTIONS PRESENTED

1. Whether a § 2241 petition challenging present physical custody should be filed in the district of confinement with the immediate custodian named as respondent.
2. Whether the action should be transferred under 28 U.S.C. § 1631, rather than dismissed, because the petition was filed in the wrong district.

HOLDINGS

1. A § 2241 petitioner challenging present physical custody must name the immediate custodian as respondent and file the petition in the district of confinement; because Mgweeney was confined at the Otay Mesa Detention Center in San Diego, the Southern District of California was the proper district.
2. When the action was filed in a court lacking jurisdiction and could have been brought in another federal court, transfer to that court is appropriate in the interest of justice under 28 U.S.C. § 1631.

KEY QUOTATIONS

“Whenever a § 2241 habeas petitioner seeks to challenge his present physical custody within the United States, he should name his warden as respondent and file the petition in the district of confinement.” (at 1)

FACTUAL BACKGROUND

Mgweeney is a federal immigration detainee challenging his present physical custody through a petition under 28 U.S.C. § 2241. He was confined at the Otay Mesa Detention Center in San Diego, California, which is located in the Southern District of California rather than the Eastern District of California.

PROCEDURAL HISTORY

Petitioner filed a § 2241 habeas petition in the Eastern District of California. Because he was confined at the Otay Mesa Detention Center in San Diego, California, the court determined that the district of confinement and immediate-custodian rules required transfer to the Southern District of California. The court transferred the action under 28 U.S.C. § 1631 and did not rule on petitioner's motion for appointment of counsel.

DISPOSITION

transferred

CASES CITED

- Rumsfeld v. Padilla, 542 U.S. 426, 447 (2004)
- Doe v. Garland, 109 F.4th 1188, 1199 (9th Cir. 2024)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 EMMANUEL I. MGWEENEY, Case No. 1:25-cv-01200-EPG-HC 12 Petitioner, ORDER TRANSFERRING CASE TO THE 13 v. UNITED STATES DISTRICT

COURT FOR THE SOUTHERN DISTRICT OF 14 WARDEN OF THE OTAY MESA CALIFORNIA DETENTION FACILITY, et al., 15 Respondents. 16 17 18 Petitioner is a federal immigration detainee proceeding pro se with a petition for writ of 19 habeas corpus pursuant to 28 U.S.C. § 2241.

20 “Whenever a § 2241 habeas petitioner seeks to challenge his present physical custody 21 within the United States, he should name his warden as respondent and file the petition in the 22 district of confinement.” *Rumsfeld v. Padilla*, 542 U.S. 426, 447 (2004).

The Ninth Circuit has 23 “affirm[ed] the application of the immediate custodian and district of confinement rules to core 24 habeas petitions filed pursuant to 28 U.S.C. § 2241, including those filed by immigrant 25 detainees.” *Doe v. Garland*, 109 F.4th 1188, 1199 (9th Cir. 2024). 26 Here, Petitioner challenges his present physical custody at the Otay Mesa Detention 27 Center in San Diego, California.

(ECF No. 1 at 2.) Therefore, venue is proper in the district of 1 | court... and that court finds that there is a want of jurisdiction, the court shall, if it is in the 2 | interest of justice, transfer such action or appeal to any other such court... in which the action 3 | or appeal could have been brought at the time it was filed or noticed....” 28 U.S.C. 8 1631.

4 | Accordingly, rather than dismissal, the Court finds that transfer of the petition to the United 5 | States District Court of the Southern District of California is appropriate in the interest of justice. 6 Accordingly, IT IS HEREBY ORDERED that this action is TRANSFERRED to the 7 | United States District Court for the Southern District of California. This Court has not ruled on 8 | the motion for appointment of counsel.

(ECF No. 2.) 9 10 IT IS SO ORDERED. 11] Dated: _ September 17, 2025 [sf ey — 2 UNITED STATES MAGISTRATE JUDGE 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28