

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.

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