

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

OPINION

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

PER CURIAM.

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UNITED STATES DISTRICT COURT

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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

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