

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, EASTERN DIVISION

Michael Lee Gordon v. United States of America

Gordon · No. 2:25-cv-433 · Decided November 24, 2025

SUMMARY

The United States District Court for the Southern District of Ohio dismissed Michael Lee Gordon’s 28 U.S.C. § 2241 habeas petition without prejudice for lack of jurisdiction. The court held that a core habeas petition must be filed in the district of confinement, which was the Southern District of Iowa because Gordon was confined at the Iowa State Penitentiary. The court overruled Gordon’s objections, adopted the magistrate judge’s reports and recommendations, denied his requests for an evidentiary hearing and reconsideration, and directed the clerk to terminate the case.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Eastern Division
WRITING FOR THE COURT	Douglas R. Cole
JURISDICTION	United States District Court for the Southern District of Ohio, Eastern Division
DECIDED	November 24, 2025
DOCKET	2:25-cv-433
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241. After the magistrate judge recommended dismissal for lack of jurisdiction, and after Gordon filed objections, motions to supplement or add respondents, and a motion for reconsideration, the district court conducted de novo review of the jurisdictional objection and dismissed the petition without prejudice.
STANDARD OF REVIEW	De novo review under Federal Rule of Civil Procedure 72(b)(3) for portions of the magistrate judge's report and recommendation to which a proper objection was made; unobjected portions are reviewed for clear error.
PRECEDENTIAL VALUE	unpublished district court opinion; precedential status unknown

PARTIES

Michael Lee Gordon v. United States of America

TOPICS

federal habeas corpus

subject matter jurisdiction

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PRACTICE AREAS

federal habeas corpus

civil procedure

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QUESTIONS PRESENTED

1. Whether the Southern District of Ohio had jurisdiction over Gordon's core § 2241 habeas petition when he was confined in Iowa.
2. Whether Gordon's proposed additional respondents could cure the jurisdictional defect.
3. Whether Gordon was entitled to an evidentiary hearing or reconsideration.

HOLDINGS

1. A core habeas petition under 28 U.S.C. § 2241 must be filed in the federal district where the petitioner is confined; because Gordon was confined in Iowa, the Southern District of Ohio lacked jurisdiction over the petition.
2. Adding the Ohio Department of Rehabilitation and Correction director or an unidentified United States Marshal would not cure the jurisdictional defect because those proposed respondents lacked authority to grant the requested relief concerning Gordon's confinement in Iowa.

KEY QUOTATIONS

“For ‘core habeas petitions,’ ‘jurisdiction lies in only one district: the district of confinement.’”

FACTUAL BACKGROUND

Gordon is serving lengthy federal and state sentences and was confined at the Iowa State Penitentiary in Fort Madison, Iowa, under an interstate compact transfer. In his § 2241 petition filed in the Southern District of Ohio, he challenged aspects of his transfer and confinement, including access to legal-library resources, the execution of his sentence, and safety concerns. He sought transfer to Ohio or the federal Bureau of Prisons and related relief.

PROCEDURAL HISTORY

Magistrate Judge Merz issued an initial Report and Recommendation recommending dismissal because the petition was filed in the wrong district. Gordon objected, sought an evidentiary hearing, attempted to add respondents, and moved for reconsideration. The magistrate judge issued two Supplemental Reports and Recommendations and denied the proposed additions; Gordon objected to each. The district court overruled the objections, adopted the R&R and Supplemental R&Rs, dismissed the petition without prejudice for lack of

jurisdiction, denied the evidentiary-hearing request and motion for reconsideration, and directed the Clerk to enter judgment.

DISPOSITION

dismissed

CASES CITED

- United States v. Gordon, No. 2:97-cr-167-6
- Trump v. J.G.G., 604 U.S. 670, 672 (2025)
- Rumsfeld v. Padilla, 542 U.S. 426, 443 (2004)
- Crawford v. Lawrence, No. 1:23-cv-192, 2024 WL 169110, at *2 (S.D. Ohio Jan. 16, 2024)
- Bates v. Ohio Dep't of Rehab. & Corr., No. 1:22-cv-337, 2023 WL 4348835, at *1 (S.D. Ohio July 5, 2023)
- Howard v. Sec'y of Health & Hum. Servs., 932 F.2d 505, 509 (6th Cir. 1991)
- Miller v. Currie, 50 F.3d 373, 380 (6th Cir. 1995)
- Haines v. Kerner, 404 U.S. 519, 520–21 (1972)
- Franklin v. Rose, 765 F.2d 82, 84–85 (6th Cir. 1985)
- McNeil v. United States, 508 U.S. 106, 113 (1993)
- Johnson v. Stewart, No. 08-1521, 2010 WL 8738105, at *3 (6th Cir. May 5, 2010)
- Redmon v. Noel, No. 1:21-cv-445, 2021 WL 4771259, at *1 (S.D. Ohio Oct. 13, 2021)

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