

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Hao Huy Phan v. Warden of the Otay Mesa Detention Facility, et al.

Phan · No. 1:25-cv-01153-CDB (HC) · Decided September 9, 2025

SUMMARY

The United States District Court for the Eastern District of California ordered the transfer of Hao Huy Phan’s 28 U.S.C. § 2241 habeas petition to the Southern District of California. The court concluded that the petition challenged detention in San Diego County and that the Eastern District lacked jurisdiction over the out-of-district custodian.

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 9, 2025
DOCKET	1:25-cv-01153-CDB (HC)
DISPOSITION	other
PROCEDURAL POSTURE	A federal detainee filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 in the Eastern District of California. The court determined that the petition challenged detention in San Diego County and that the proper respondent and district were located in the Southern District of California.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown.
PARTIES	Hao Huy Phan v. Warden of the Otay Mesa Detention Facility, et al.

TOPICS

- federal habeas corpus
- immigration detention
- subject matter jurisdiction
- venue
- civil procedure

PRACTICE AREAS

- Federal habeas corpus
- Immigration detention
- Federal jurisdiction
- Venue and transfer

QUESTIONS PRESENTED

- Whether the Eastern District of California had jurisdiction over a core habeas petition challenging detention when the petitioner was confined in San Diego County and the named respondent was the

warden of an out-of-district facility.

2. Whether the court should transfer the petition to the Southern District of California under 28 U.S.C. § 1631.

HOLDINGS

1. For a core habeas petition, the petitioner must name the immediate custodian—the warden of the facility where the petitioner is detained—as the respondent, and the district court with jurisdiction is the district where that custodian is located. The Eastern District of California therefore lacked jurisdiction over the out-of-district warden.
2. When a federal case is filed in the wrong district, the court may transfer it to the proper district in the interest of justice under 28 U.S.C. § 1631.

KEY QUOTATIONS

“However, for core habeas petitions (such as the petition here), a petitioner must name his immediate custodian, the warden of the facility where he is detained, as the respondent to his petition, and not a supervisory custodian.” (1-2)

FACTUAL BACKGROUND

Hao Huy Phan was a federal detainee held at the Otay Mesa Detention Facility in San Diego County. He filed a § 2241 habeas petition challenging his detention and named the warden of that facility as a respondent. Because San Diego County is in the Southern District of California, the Eastern District concluded that the case had been filed in the wrong district.

PROCEDURAL HISTORY

Petitioner initiated the action on September 8, 2025. The Eastern District of California concluded that it lacked jurisdiction over the out-of-district warden who was the petitioner's immediate custodian and transferred the case to the Southern District of California in the interest of justice under 28 U.S.C. § 1631.

DISPOSITION

other

REMAND INSTRUCTIONS

The matter was transferred to the United States District Court for the Southern District of California for further proceedings.

CASES CITED

- Doe v. Garland, 109 F.4th 1188 (9th Cir. 2024)
- Miller v. Hambrick, 905 F.2d 259, 262 (9th Cir. 1990)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 HAO HUY PHAN, 1:25-cv-01153-CDB (HC) 12 Petitioner, ORDER
TRANSFERRING CASE TO THE UNITED STATES DISTRICT COURT FOR 13 v. THE
SOUTHERN DISTRICT OF CALIFORNIA 14 WARDEN OF THE OTAY MESA DETENTION
FACILITY, et al., (Doc. 1) 15 Respondents. 16 17 18 Petitioner Hao Huy Phan, a federal detainee
proceeding pro se, initiated this action on 19 September 8, 2025, with the filing of a petition for
writ of habeas corpus pursuant to 28 U.S.C. 20 § 2241.

Petitioner challenges his detainment in San Diego County, which is in the Southern District 21 of
California. This Court lacks jurisdiction over the Respondent (the warden of the out-of-district 22
facility where Petitioner is in custody). See generally *Doe v. Garland*, 109 F.4th 1188 (9th Cir. 23
2024), pet. for reh'g. en banc or panel reh'g denied, No. 23-15361 (9th Cir.

May 29, 2025). 24 Therefore, the petition should have been filed in the United States District
Court for the Southern 25 District of California. In the interest of justice, a federal court may
transfer a case filed in the wrong 26 district to the correct district. See 28 U.S.C. § 1631; *Miller v.*
Hambrick, 905 F.2d 259, 262 (9th 27 Cir. 1990) (transferring habeas action pursuant to § 1631).1
28 1 Petitioner alleges that the San Francisco Field Office of ICE “is a legal custodian of
Petitioner.” nen ne eee I EEE I IEEEE IIE Im 1 Accordingly, IT IS HEREBY ORDERED that this
matter is transferred to the United States 2 | District Court for the Southern District of California.

3 | SOORDERED. 4 Dated: _ September 9, 2025 | V Vv KD 5 UNITED STATES MAGISTRATE
JUDGE 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 || (Doc. 1 at 49). However,
for core habeas petitions (such as the petition here), a petitioner must name his immediate
custodian, the warden of the facility where he is detained, as the respondent to his petition, and 23
| nota supervisory custodian.

See *Doe*, 109 F.4th at 1195-97.