

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

OPINION

(HC)Phan

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

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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.” 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35
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.

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