

CHRISTOPHER RUGGIERO,
Petitioner,
v.
GEORGE W. BUSH *et al.*,
Respondents.

Petitioner, a resident of Philadelphia, Pennsylvania, has petitioned this Court for the issuance of a writ of *habeas corpus*.¹ Upon consideration of the petition, the Court determines that it lacks jurisdiction to entertain this case and, therefore, it will be dismissed.

¹ Although petitioner also seeks injunctive and declaratory relief, *see* Petition (“Pet.”) at 38-40, he submitted only \$5.00 as his filing fee, which is the fee applicable to *habeas corpus* petitions. *See* 18 U.S.C. § 1914 (2006). The filing fee for civil actions seeking any other relief is \$350.00. *Id.*

The proper respondent in *habeas corpus* cases is the petitioner's warden or immediate custodian. *Rumsfeld v. Padilla*, 546 U.S. 426, 434-35 (2004); *Blair-Bey v. Quick*, 151 F.3d 1036, 1039 (D.C. Cir. 1998) (citing *Chatman-Bey v. Thornburgh*, 864 F.2d 804, 810 (D.C. Cir. 1988)). Accepting petitioner's statement of custody as true, the only possible custodian among the list of respondents is Sheriff Shoar, who by petitioner's own acknowledgment is located in St. Augustine, Florida. Pet. at 1. And, "a district court may not entertain a habeas petition involving present physical custody unless the respondent custodian is within its territorial jurisdiction." *Stokes v. U.S. Parole Commission*, 374 F.3d 1235, 1239 (D.C. Cir. 2004). This Court therefore lacks jurisdiction to entertain petitioner's *habeas corpus* petition.²

Date: April 17 , 2007

____s/_____
Reggie B. Walton
United States District Judge

² A separate Order of dismissal accompanies this Memorandum Opinion.