

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BYRON SMITH,	:		
	:		
Petitioner,	:		
	:		
v.	:	Civil Action No.:	10-0464 (RMU)
	:		
FEDERAL BUREAU OF PRISONS,	:		
	:		
Respondent.	:		

MEMORANDUM ORDER

**TRANSFERRING THIS CASE TO THE
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA**

The petitioner, who is currently incarcerated at the United States Penitentiary in Tucson, Arizona, alleges that the Federal Bureau of Prisons (“BOP”) has failed to award him institutional, educational and meritorious good time credit toward service of his sentence. *See generally* Pet. Had the BOP properly awarded him credit, the petitioner contends, his term of imprisonment would be “greatly reduce[d].” *Id.* at 8.

Habeas actions are subject to jurisdictional limitations. *See, e.g., Braden v. 30th Judicial Circuit Ct. of Ky.*, 410 U.S. 484, 494 (1973). The proper respondent in a habeas corpus action is the petitioner’s warden. *Rumsfeld v. Padilla*, 542 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)). “[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 Comm’n*, 374 F.3d 1235, 1239 (D.C. Cir. 2004). Because the petitioner in this case is incarcerated in the District of Arizona, the court will transfer this matter to that district. *See id.*

Accordingly, it is this 7th day of May, 2010, hereby

ORDERED that this action is **TRANSFERRED** to the United States District Court for the District of Arizona.

SO ORDERED.

RICARDO M. URBINA
United States District Judge