

**FILED**

**APR 12 2012**

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Douglas-William Hysell,

Petitioner,

v.

State of California,

Respondent.

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Civil Action No.

**12 0579**

MEMORANDUM OPINION

Petitioner, proceeding *pro se*, is a state prisoner incarcerated at the Pleasant Valley State Prison in Coalinga, California, seeking issuance of a writ of habeas corpus. In addition, petitioner has submitted an application to proceed *in forma pauperis*. The Court will grant the application to proceed *in forma pauperis* and will dismiss the case for lack of jurisdiction.

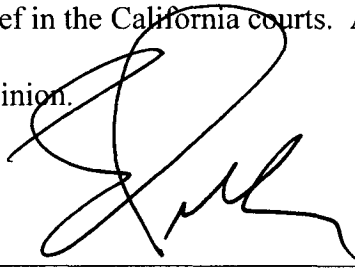
The substance of the petition is unclear, but petitioner appears to be challenging his confinement and has named the State of California as the respondent. However, the proper respondent in *habeas corpus* cases is the petitioner's warden or immediate custodian, *Rumsfeld v. Padilla*, 542 U.S. 426, 439 (2004); *Blair-Bey v. Quick*, 151 F.3d 1036, 1039 (D.C. Cir. 1998), 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); accord *Rooney v. Secretary of Army*, 405 F.3d 1029, 1032 (D.C. Cir. 2005) ("jurisdiction is proper only in the district in which the immediate, not the ultimate, custodian is located") (internal citations and quotation marks omitted).

Since petitioner's custodian is not in the District of Columbia, this Court lacks jurisdiction over the instant petition. However, having perused the attachments to the petition, the

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Court does not find it in the interests of justice to transfer this action because it appears that petitioner has already been denied habeas relief in the California courts. A separate Order of dismissal accompanies this Memorandum Opinion.

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a series of loops and a horizontal stroke at the end.

United States District Judge

Date: March 27, 2012