

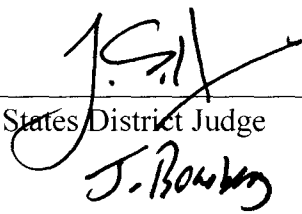
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ANDRE JUSTE,)
Petitioner,)
v.) Case: 1:17-cv-00712 (G-Deck)
JEFFREY B. SESSIONS, *et al.*,) Assigned To : Unassigned
Respondents.) Assign. Date : 4/19/2017
Description: Habeas Corpus/2255

MEMORANDUM OPINION

Insofar as Andre Juste challenges his detention and demands his release from custody, the Court construes his pleading as a petition for a writ of habeas corpus. The proper respondent in a habeas corpus action is the petitioner's custodian. *Rumsfeld v. Padilla*, 542 U.S. 426, 434-35 (2004); *Nken v. Napolitano*, 607 F. Supp. 2d 149, 161 (D.D.C. 2009). Ordinarily, the custodian is the warden of the facility where the petitioner is detained. *Padilla*, 542 U.S. at 435 (noting "the default rule is that the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official"). This "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 petitioner is detained at the Buffalo Federal Detention Facility in Batavia, New York, it does not appear that custodian is within the District of Columbia. The petition neither names the proper respondent nor demonstrates that the proper respondent is in this district. Therefore, the Court will dismiss the petition without prejudice. An Order is issued separately.

DATE: 4-11-17


United States District Judge
J. Bowler