

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

AUG. 25, 2021

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

PATRICK L. WEBSTER, JR.,

Plaintiff,

v.

GOVERNMENT OF THE
UNITED STATES VIRGIN ISLANDS,

Defendant.

Civil Action No. 21-2233 (UNA)

MEMORANDUM OPINION

This matter is before the Court on the plaintiff's application to proceed *in forma pauperis* and his *pro se* complaint. The plaintiff finds himself at the Columbia Regional Care Center in Columbia, South Carolina, by Order of the Superior Court of the Virgin Islands for the purpose of determining his mental competence to stand trial. He demands his release and an award of \$1.2 billion for harms arising from his arrest and detention.

To the extent the plaintiff demands release from custody, his claim sounds in habeas. The proper respondent in a habeas corpus action is the plaintiff's custodian, *Rumsfeld v. Padilla*, 542 U.S. 426, 434-35 (2004), and 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). Neither the plaintiff nor his custodian is found in the District of Columbia.

Generally, a plaintiff may bring suit in:

- (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;
- (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or
- (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

28 U.S.C. § 1391(b). Under none of these criteria is the District of Columbia a proper venue for adjudication of the plaintiff's claims.

Accordingly, the Court will grant the plaintiff's application to proceed *in forma pauperis* and dismiss the complaint and this civil action without prejudice. An Order is issued separately.

/s/

EMMET G. SULLIVAN
United States District Judge

DATE: August 25, 2021