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| JOSE LUZUNARIS, |) | |
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| Petitioner, |) | |
| |) | |
| v. |) | Civil Action No. 22-1698 (UNA) |
| |) | |
| RAYMOND F. MORROGH, |) | |
| COMMONWEALTH ATTORNEY, |) | |
| |) | |
| Respondent. |) | |
| |) | |

This matter is before the Court on Jose Luzunaris’ petition for a writ of habeas corpus under 28 U.S.C. § 2241. Petitioner currently is detained at the Federal Correctional Institution in Cumberland, Maryland, serving a sentence imposed by the Superior Court of the District of Columbia. *See* Pet. at 2, Dkt. 1. His “sentence is soon to be completed,” *id.*, and because a detainer has been lodged against him, he remains at FCI Cumberland pending extradition to Fairfax County, Virginia, *see generally id.*, Ex. 6.

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Enf't, No. 10-CV-1875, 2010 WL 11602753, at *1 (D. Md. Aug. 9, 2010) (“An alien who is confined pursuant to a criminal conviction, and who is subject to an immigration detainer which seeks notification in advance of release, does not satisfy the custody requirement.”).

The Court also notes that a habeas action is subject to jurisdictional and statutory limitations. *See Braden v. 30th Judicial Cir. Ct. of Ky.*, 410 U.S. 484 (1973). The proper respondent in a habeas corpus action is the petitioner’s custodian, *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)), who in this case is the Warden of FCI Cumberland. 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). Petitioner, therefore, “should name his warden as respondent and file the petition in the district of [his] confinement.” *Evans v. U.S. Marshals Serv.*, 177 F. Supp. 3d 177, 182 (D.D.C. 2016) (quoting *Padilla*, 542 U.S. at 447).

The Court will grant petitioner’s application to proceed *in forma pauperis* and will dismiss the petition and this civil action without prejudice. An Order is issued separately.

DATE: June 27, 2022

/s/
DABNEY L. FRIEDRICH
United States District Judge