

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

GENERO CASILLA,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 22-3032 (UNA)
	)	
EXECUTIVE OFFICE OF	)	
U.S. ATTORNEYS,	)	
	)	
Respondent.	)	

**MEMORANDUM OPINION**

This matter is before the Court on consideration of Genaro Casilla’s application to proceed *in forma pauperis* and *pro se* petition for a writ of habeas corpus. The Court will grant the application and will deny the petition.

It appears that petitioner is detained at the Gadsden County Jail in Quincy, Florida, pending deportation. For reasons that are not entirely clear, petition believes that he is detained unlawfully and demands his immediate release.

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 petitioner’s custodian, *Rumsfeld v. Padilla*, 542 U.S. 426, 434-35 (2004), who ordinarily is the warden of the facility where a petitioner is housed, *see Chatman-Bey v. Thornburgh*, 864 F.2d 804, 811 (D.C. Cir. 1988). 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). The petition neither

names petitioner's custodian as a respondent, nor demonstrates that the proper respondent is in the District of Columbia.

The Court will grant petitioner's application to proceed *in forma pauperis* and dismiss his petition without prejudice for want of jurisdiction. A separate order accompanies this Memorandum Opinion.

DATE: October 27, 2022

/s/  
COLLEEN KOLLAR-KOTELLY  
United States District Judge