

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

MARCO PEREZ,
petitioner,

v.

LICON-VITALE,
respondent.

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3:19-cv-1639 (VLB)

ORDER OF TRANSFER

On October 17, 2019, Petitioner filed a Petition for Writ of Habeas Corpus seeking an Order to direct the Bureau of Prisons (“BOP”) to “[have Petitioner] be immediately scheduled to see an outpatient specialist for back surgery for a serious back injury.” [ECF No. 1].

“A writ of habeas corpus operates not upon the prisoner, but upon the prisoner’s custodian.” *Norwood v. Williams*, No. 3:17-cv-01636 (MPS), 2018 WL 340022, at *2 (D. Conn. Jan. 9, 2018) (citing *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 494–495, (1973)). Thus, jurisdiction for habeas petitions challenging conditions of confinement lies in the district of confinement. See 28 U.S.C. § 2241(a) (providing that habeas corpus petitions may be granted by the district courts “within their respective jurisdictions”); *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004). However, the “immediate physical custodian rule” does not apply when a habeas petitioner challenges something other than his present physical confinement. See *Rumsfeld*, 542 U.S. at 438 (“a habeas petitioner who challenges a form of ‘custody’ other than present physical confinement may name as respondent the entity or person who exercises legal control with respect to the challenged ‘custody’”); *Braden*, 410 U.S. at 500 (discussing application of

