UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

TORMU E. PRALL, Plaintiff, v. SIXTH DIVISION DISTRICT COURT, et al., Defendants.	)	C. A. No. 13-654-M

ORDER

Before the Court is a Petition (ECF No. 1) brought by Plaintiff Tormu E. Prall pursuant to 28 U.S.C. § 2241. Mr. Prall has also filed an Application to Proceed in forma Pauperis (ECF No. 2). For the reasons that follow, the Petition is DISMISSED without prejudice to being brought in the U.S. District Court for the District of New Jersey.

In brief, Mr. Prall alleges that "[o]ver three years ago, [New Jersey] correctional authorities placed Prall in the Management Control Unit until he resolves a R.I. state charge of first degree robbery and car theft the Providence and North Kingstown Police Departments charged him with in August of 2008." *Id.* ¶ 7. He then describes the conditions in the Management Control Unit as comparable to those in Administrative Segregation, but with an indefinite time limit, and the injuries he has allegedly suffered from his placement in that unit. *Id.* ¶¶ 8-15.

Mr. Prall claims that since 2010 he has submitted "at least six motions" to the R.I. Sixth Division District Court, Providence County Superior Court, Fourth Division District Court, and Washington County Superior Court, alerting them that he will continue to suffer the "ruthless

consequences" he describes in his Petition if he is not brought to trial. *Id.* ¶ 16. However, according to Mr. Prall, "[n]o corrective action was taken." *Id.*

Section 2241(c) provides in relevant part that:

The writ of habeas corpus shall not extend to a prisoner unless- -

> (1) He is in custody under or by color of the authority of the United States or is committed for trial before some court thereof; or
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> (2) He is in custody for an act done or omitted in pursuance of an Act of Congress, or an order, process, judgment or decree of a court or judge of the United States; or
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> (3) He is in custody in violation of the Constitution or laws or treaties of the United States; or
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> . . .
>
> (5) It is necessary to bring him into court to testify or for trial.

28 U.S.C. § 2241(c). Habeas corpus under § 2241 remains available in rare cases. *In re Dorsainvil*, 119 F.3d 245, 250 (1st Cir. 1997); *see also United States v. Barrett*, 178 F.3d 34, 52 (1st Cir. 1999). The question is where § 2241 allows litigation to be conducted. *Al-Marri v. Rumsfeld*, 360 F.3d 707, 709 (7th Cir. 2004).

The Supreme Court has stated that "[w]henever a § 2241 habeas petitioner seeks to challenge his present physical custody within the United States, he should name his warden as respondent and file the petition in the district of confinement." *Rumsfeld v. Padilla*, 542 U.S. 426, 447 (2004)(citing *Al-Marri v. Rumsfeld*, 360 F.3d at 710, 712) ; *see also* 28 U.S.C. §§ 2242, 2243; *Al-Marri*, 360 F.3d at 708 (noting that "there is a difference between authorizing and exercising custody"); *In re Dorsainvil*, 119 F.3d at 249 (noting federal prisoners' obligation to file their § 2241 claims in the district in which they are confined).

It is clear that this Court lacks jurisdiction to reach the merits of Mr. Prall's claim. Rather, the district in which the prison is located is the proper district for proceedings under § 2241, and the warden of that prison is the proper respondent. *Al-Marri*, 360 F.3d at 712. Here, Mr. Prall is confined in the District of New Jersey, and the warden of the New Jersey State Prison[1] is his custodian.

Based on the foregoing, it is clear that Mr. Prall's § 2241 Petition must be brought in the district in which he is confined and name as respondent the person exercising physical custody over him. Accordingly, the Petition is DISMISSED without prejudice to being refiled in the District of New Jersey. The Application to Proceed in Forma Pauperis (ECF No. 2) is DENIED as moot.

SO ORDERED:

John J. McConnell, Jr.
United States District Judge

Date: December 5, 2013

[1] The address on Mr. Prall's Petition is the New Jersey State Prison, and the Court assumes that he is still confined there since he has not notified the Court of a change in his address. See Docket.