

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

MARCUS DEANGELO JONES,

Petitioner,

v.

CASE NO. 19-3029-JWL

**NICOLE ENGLISH,
Warden, USP-Leavenworth,**

Respondent.

ORDER

This matter is a petition for writ of habeas corpus filed under 28 U.S.C. § 2241. Petitioner is in federal custody at USP-Leavenworth in Leavenworth, Kansas. Respondent filed an Answer and Return (Doc. 11) on May 6, 2019, and Petitioner filed a Traverse (Doc. 12) on May 24, 2019. Petitioner has also filed a Motion for an Evidentiary Hearing and Request for Production of Documents (Doc. 13), and a Motion for Stay Pending Transfer to Another Jurisdiction and on Notice Request to Transfer 28 U.S.C. § 2241 Petition (Doc. 14).

Petitioner alleges that he is being transferred to another prison outside this Court's jurisdiction and asks the Court to transfer his § 2241 to the new jurisdiction upon his transfer. Petitioner alleges that while in transit he will not have access to his legal work or materials in order to file any needed responses, supplemental responses or appeals. Therefore, Petitioner seeks a stay in this case until such time as he can notify the Court as to his new location, and then a transfer to that location.

The Court notes that a transfer and accompanying custodial change does not defeat initial jurisdiction. *See Pinson v. Berkebile*, 604 F. App'x 649, 652–52 (10th Cir. 2015); *Griffin v. Ebbert*, 751 F.3d 288, 290–91 (10th Cir. 2014) (“Jurisdiction attached on that initial filing for habeas corpus relief, and it was not destroyed by the transfer of petitioner and accompanying

custodial change”) (citations omitted). However, the Court lacks information as to the timing of Petitioner’s proposed upcoming transfer and any effect it will have on his ability to file supplements or appeals if necessary. Therefore, the Court will give Respondent an opportunity to respond to Petitioner’s pending motions.

IT IS THEREFORE ORDERED BY THE COURT that Respondent is granted until **June 17, 2019**, in which to respond to Petitioner’s pending motions. Petitioner is granted until **July 1, 2019**, in which to file a reply.

IT IS SO ORDERED.

Dated in Kansas City, Kansas, on this 6th day of June, 2019.

S/ John W. Lungstrum
JOHN W. LUNGSTRUM
UNITED STATES DISTRICT JUDGE