

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DION A. TEMPLE, HF-5212,)
 Petitioner,)
)
 v.) 2:11-cv-45
)
BRIAN COLEMAN,)
 Respondent.)

MEMORANDUM and ORDER

Mitchell, M.J.,

Dion A. Temple, an inmate at the State Correctional Institution-Fayette, has presented a petition for a writ of habeas corpus which he has been granted leave to prosecute in forma pauperis. For the reasons set forth below, the petition will be transferred to the United States District Court for the Middle District of Pennsylvania for further proceedings.

From his petition and supporting documents, it appears that Temple is seeking to challenge convictions at Criminal Nos. 445, 288, 2388 and 2381 of 2006 in the Court of Common Pleas of Lackawanna County, Pennsylvania.

It is provided in 28 U.S.C. §2241(d) that:

Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a state which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

While the petitioner is in custody in the Western District of Pennsylvania, the trial court which sentenced him is located in Lackawanna County, which is encompassed within the

jurisdiction of the United States District Court for the Middle District of Pennsylvania. It, therefore, would appear that the interests of justice would best be served by transferring the petition to the United States District Court for the Middle District of Pennsylvania.

An appropriate Order will be entered.

ORDER

AND NOW, this 1st day of March, 2011, for the reasons set forth in the foregoing Memorandum, the petition of Dion A. Temple is Ordered transferred forthwith to the United States District Court for the Middle District of Pennsylvania pursuant to 28 U.S.C. § 2241(d),

AND IT IS FURTHER ORDERED that the Clerk of this Court marked the above captioned case closed.

s/ Robert C. Mitchell
United States Magistrate Judge

ORDER

AND NOW, this 27th day of January, 2011, for the reasons set forth in the foregoing Memorandum, IT IS ORDERED that the petition of Dion A. Temple for a writ of habeas corpus be transferred forthwith to the United States District Court for the Middle District of Pennsylvania pursuant to 28 U.S.C. § 2241(d) and that the clerk of this court mark the case closed.

s/ Robert C. Mitchell
United States Magistrate Judge