

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

SCOTT HESS,

Petitioner,

VS.

WILLIAM STEPHENS, DIRECTOR
TDCJ-CID,

Respondent.

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CIVIL ACTION NO. 2:13-CV-411

OPINION AND ORDER OF TRANSFER

This is a habeas action filed on December 19, 2013, by a state prisoner incarcerated at the Jester 4 Unit in Richmond, Texas, which is located in Fort Bend County. (DE 1). In his complaint, Plaintiff challenges his conviction and his sentence. (DE 1). Prior to filing the pending petition, Petitioner filed a habeas action that is currently pending in the Brownsville Division, Case No. 1:13-cv-190, challenging the same conviction and sentence.

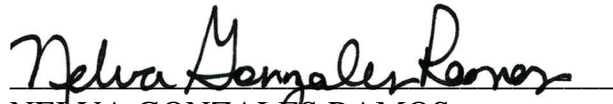
A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); *Wadsworth v. Johnson*, 235 F.3d 959 (5th Cir. 2000). Petitioner’s place of incarceration is in the Houston Division of the Southern District of Texas, 28 U.S.C. § 124(b)(2), and he was convicted by a court located in the Brownsville Division of the Southern District of Texas. 28 U.S.C. § 124(a)(4).

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have

been brought. 28 U.S.C. §§ 1404(a) and 1406(a). A habeas application may be transferred in furtherance of justice to the district court within which the state court was held which convicted and sentenced the petitioner. 28 U.S.C. § 2241(d). Because petitioner was convicted in Cameron County, it is more convenient and would further the interests of justice for this action to be handled in the Brownsville Division of the Southern District of Texas. The records of his conviction and the prosecutor and defense lawyers are all located in the Brownsville Division of the Southern District of Texas. Further, Petitioner has a pending habeas action challenging the same conviction and sentence in that Court.

Accordingly, it is ordered that this case be transferred to the United States District Court for the Southern District of Texas, Brownsville Division. All pending motions are denied as moot and are subject to renewal after the case is transferred.

ORDERED this 21st day of January, 2014.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE