

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

JUAN LUIS SALAZAR HUERTA
TDCJ-CID #01678125
Petitioner,

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§
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§
§
§

V.

NO. 2:12cv38

DIRECTOR RICK THALER,
Respondent.

MEMORANDUM OPINION AND ORDER OF TRANSFER

This is a habeas action filed by a state prisoner incarcerated at the Garza East Unit in Beeville, Texas (D.E. 1). Petitioner was convicted of an unknown felony offense and sentenced to serve forty-five (45) years in prison on October 26, 2010, in the 275th District Court of Hidalgo County, Texas (*Id.*).


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 Bee County in the Corpus Christi Division of the Southern District of Texas, 28 U.S.C. § 124(b)(6), and he was convicted by a court located in Hidalgo County in the McAllen Division of the Southern District of Texas. 28 U.S.C. § 124(b)(7).

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). Because petitioner was convicted in Hidalgo

County, it is more convenient for the action to be handled in the McAllen Division of the Southern District of Texas. The records of his conviction, the prosecutor and defense lawyer, and the witnesses are all located in the McAllen Division of the Southern District of Texas.

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

ORDERED this 8th day of February, 2012.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE