

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

GEORGE A. BRUMFIELD, #89824	*	
Petitioner,	*	
v.		*CIVIL ACTION NO. 2:05-CV-768-A (WO)
BURL CAIN, WARDEN, <i>et al.</i> ,	*	
Respondents.	*	

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**RECOMMENDATION OF THE MAGISTRATE JUDGE**

In this petition for habeas corpus filed on August 11, 2005, pursuant to 28 U.S.C. § 2254, George Brumfield (“Brumfield”) challenges a conviction and sentence imposed upon him by the Circuit Court for Tuscaloosa County, Alabama.

“In the exercise of its discretion and in furtherance of justice,” this court may transfer this habeas petition to “the district court for the district within which the State court was held which convicted” Brumfield. 28 U.S.C. § 2241(d). Tuscaloosa County is located within the jurisdiction of the United States District Court for the Northern District of Alabama, and the court deems it appropriate to transfer this case to that District for ruling on Brumfield’s application for *in forma pauperis* status and final determination of the petition.

Accordingly, it is the **RECOMMENDATION of the Magistrate Judge** that this case be transferred to the United States District Court for the Northern District of Alabama pursuant to the provisions of 28 U.S.C. § 2241(d).

It is further

ORDERED that the parties are DIRECTED to file any objections to the said Recommendation on or before **August 30, 2005**. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation objected to. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar the party from a *de novo* determination by the District Court of issues covered in the report and shall bar the party from attacking on appeal factual findings in the report accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5<sup>th</sup> Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11<sup>th</sup> Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11<sup>th</sup> Cir. 1981, *en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

Done this 17<sup>th</sup> day of August, 2005.

**/s/ Delores R. Boyd**  
DELORES R. BOYD  
UNITED STATES MAGISTRATE JUDGE