

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

PHILLIP RAY RICE, #158553)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 2:07cv72-WHA
)	(WO)
LEON FORNISS, <i>et al.</i> ,)	
)	
Respondents.)	

ORDER

Alabama inmate Phillip Ray Rice (“Rice”) has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By his petition, Rice challenges the ruling of the Circuit Court of Mobile County, Alabama, denying his motion for reduction of sentence pursuant to Ala. Code 1975 § 13A-5-9.1. In his motion filed under Ala. Code 1975 § 13A-5-9.1, Rice sought reduction of the life sentence imposed against him in 1992 by the Circuit Court of Mobile County upon his conviction in that court for first-degree robbery.

This court, “in the exercise of its discretion and in furtherance of justice,” may transfer a petitioner’s application for writ of habeas corpus to “the district court for the district within which the State court was held which convicted” the petitioner. *See* 28 U.S.C. § 2241(d). By his motion under Ala. Code 1975 § 13A-5-9.1, Rice sought reduction of a state sentence entered against him by the Circuit Court of Mobile County, Alabama. He filed his motion for reduction of sentence in that same court, and his federal habeas petition challenges that court’s denial of the motion for reduction of sentence. Mobile County is located within the jurisdiction of the United States District Court for the Southern District of Alabama. In light

of the foregoing, this court concludes that the transfer of this case to such other court for hearing and determination is appropriate.

Accordingly, it is

ORDERED that this case be TRANSFERRED to the United States District Court for the Southern District of Alabama pursuant to the provisions of 28 U.S.C. § 2241(d).

DONE this 20th day of January, 2009.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE