

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

TAMEKA ROBINSON,)	
# 245451,)	
)	
Petitioner,)	
)	
v.)	Civil Action No.2:09cv371-WHA
)	(WO)
CYNTHIA S. WHEELER-WHITE, <i>et al.</i> ,)	
)	
Respondents.)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

This case is before the court on a *pro se* 28 U.S.C. § 2254 petition for habeas corpus relief filed by Tameka Robinson (“Robinson”), a state inmate incarcerated at ADOC Work Relief in Birmingham, Alabama. In her petition, Robinson challenges a prison sentence imposed on her in January 2006 by the Circuit Court for Baldwin County, Alabama, a state trial court. Robinson asks the trial court to award her credit against her sentence for time out on house arrest.

DISCUSSION

This court “in the exercise of its discretion and in furtherance of justice” may transfer an application for writ of habeas corpus to “the district court for the district within which the State court was held which convicted” the petitioner. 28 U.S.C. § 2241(d). Robinson attacks a sentence imposed upon her by the Circuit Court for Baldwin County, Alabama, and requests that the trial court award her credit against her sentence for time she spent on house arrest. Baldwin 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 transfer of this case to such other court for review and disposition is appropriate.¹

CONCLUSION

Accordingly, it is the RECOMMENDATION of the Magistrate Judge 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).

It is further

ORDERED that on or before **May 11, 2009**, the parties may file objections to the Recommendation. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which a party objects. 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 advisements in the Magistrate Judge's Recommendation shall bar the party from a de novo determination by the District Court of issues covered in the Recommendation and shall bar the party from attacking on appeal factual findings in the Recommendation accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). See *Stein v. Reynolds Securities, Inc.*, 667 F.2d

¹Robinson filed a request for leave to proceed *in forma pauperis* in this action. (Doc. No. 2) Under the circumstances of this case, however, matters related to her *in forma pauperis* status, including the assessment and collection of any filing fee, should be undertaken by the United States District Court for the Southern District of Alabama.

33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th 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 28th day of April, 2009.

/s/Terry F. Moorer
TERRY F. MOORER
UNITED STATES MAGISTRATE JUDGE