

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**GEORGE AYDELOTTE
ADC # 124433**

PETITIONER

v.

NO. 5:08CV00320-BSM-BD

**LARRY NORRIS,
Director, Arkansas Department
of Correction**

RESPONDENT

ORDER

Petitioner filed a pro se Petition for Writ of Habeas Corpus (docket entry #2) under 28 U.S.C. § 2254 on December 9, 2008, along with a Brief in Support (#3) and an Application to Proceed *In Forma Pauperis* (#1). Petitioner alleges that his rights under the Fifth, Sixth, and Fourteenth Amendments of the United States Constitution were violated during his trial and sentencing in the Circuit Court of Hot Spring County, Arkansas. Petitioner is currently incarcerated at the Ouachita River Correctional Unit, which lies in the Western District of Arkansas.

Under 28 U.S.C. § 2241(d), when an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court, the petition may be filed in the “district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him.” Because Petitioner was convicted and sentenced in the Western District of Arkansas and he is currently in custody in the Western District of

Arkansas, the interests of justice would best be served by transferring this case to the United States District Court for the Western District of Arkansas, under 28 U.S.C. § 1406(a) and 28 U.S.C. § 2241(d).

The Clerk of the Court is directed to transfer Petitioner's case immediately to the United States District Court for the Western District of Arkansas, Hot Springs Division, 100 Reserve Street, Room 347, Hot Springs, Arkansas 71902-6486.

IT IS SO ORDERED this 12th day of December, 2008.



UNITED STATES DISTRICT JUDGE