

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01610-BNB

PIERCE LEO SHANNON,

Applicant,

v.

ERIC HOLDER, United States Attorney General,  
HARRY G. LAPPIN, Director, Federal Bureau of Prisons,  
CURRENT WARDEN, Florence Federal Prison Camp, and  
RODNEY CHANDLER, Current Warden, FCI Big Spring, Texas,

Respondents.

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

SEP 23 2009

GREGORY C. LANGHAM  
CLERK

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ORDER TRANSFERRING CASE

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Applicant, Pierce Leo Shannon, is a prisoner in the custody of the United States Bureau of Prisons at the Federal Correctional Institution in Big Spring, Texas. Mr. Shannon initiated this action by filing a *pro se* Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241. On August 10, 2009, Magistrate Judge Boyd N. Boland entered an order instructing Mr. Shannon to file an Amended Application that identifies the specific claims for relief on the Court-approved form used in filing § 2241 actions and that names only the custodian of the facility where he is incarcerated as required under 28 U.S.C. § 2243. On September 11, 2009, Mr. Shannon filed an Amended Application.

Mr. Shannon was incarcerated in a federal prison in Texas when he filed this habeas corpus action pursuant to 28 U.S.C. § 2241. "It is well established that jurisdiction attaches on the initial filing for habeas corpus relief, and it is not destroyed

by a transfer of the petitioner and the accompanying custodial change.” **Santillanes v. U.S. Parole Comm’n**, 754 F.2d 887, 888 (10th Cir. 1985). Furthermore, because a petition pursuant to § 2241 must be filed in the district in which the prisoner is confined, **see Howard v. Bureau of Prisons**, 487 F.3d 808, 811 (10th Cir. 2007), the District of Colorado is not a “court in which the action . . . could have been brought at the time it was filed,” 28 U.S.C. § 1631. The instant action should have been filed in the United States District Court for the Northern District of Texas, Abilene Division, because an application for a writ of habeas corpus pursuant to § 2241 “must be filed in the district where the prisoner is confined.” **Bradshaw v. Story**, 86 F.3d 164, 166 (10th Cir. 1996). This Court, therefore, finds that the interests of justice would be served by transferring this action to the Northern District of Texas, Abilene Division. Accordingly, it is

ORDERED that the Clerk of the Court transfer this action to the United States District Court for the Northern District of Texas, Abilene Division, 341 Pine Street, Abilene, TX 79601.

DATED at Denver, Colorado, this 22 day of Sept., 2009.

BY THE COURT:



ZITA L. WEINSHIENK, Senior Judge  
United States District Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. 09-cv-01610-BNB

Pierce Leo Shannon  
Reg No. 99811-111  
Federal Correctional Institution  
Sunset Building 4 025 L  
1900 Simler Avenue  
Big Spring, TX 79720-7789

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 9/23/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk