

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

BURTON,

Plaintiff,

v.

ASOMBANY,

Defendants

Case No. 3:16-cv-276 (CSH)

FEBRUARY 24, 2016

RULING ON APPLICATION FOR WRIT OF HABEAS CORPUS

HAIGHT, Senior District Judge:

Bobby E. Burton filed an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 and a Prisoner's Application to Proceed *in Forma Pauperis* in a Civil Rights Action in the District of Connecticut. Burton is representing himself *pro se*. He is currently incarcerated in Texas at Coffield Unit, a State Prison in Tennessee Colony, TX.¹ He was convicted of murder in Fort Bend County, Texas in state court.

These applications were not brought in the proper district court. Under 28 U.S.C. § 2241(d), "where 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 application 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." 28 U.S.C. § 2241 (2008); *see also Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 497 (1973) (finding

¹ See <https://offender.tdcj.texas.gov/OffenderSearch/offenderDetail.action?sid=05650570>. The Court may take judicial notice of factual information located in postings on government websites. *Perez v. Ahlstrom Corp.*, 2011 WL 2533801, at *2 (D. Conn. June 27, 2011).

that Congress recognized the advantages of having habeas corpus cases resolved in the court which imposed confinement or the location of the nearest controversy). Burton is incarcerated in Anderson County, Texas, and was sentenced in Fort Bend County, Texas. Venue is not proper in the District of Connecticut. Accordingly, the case will be dismissed without prejudice to filing in the proper venue.

Since February 24, 2015, Burton has filed similarly deficient applications in the Colorado District Court, Georgia Northern District Court, Idaho District Court, South Carolina District Court, Ohio Northern District Court, Tennessee Western and Middle District Courts, North Carolina Middle District Court, West Virginia Northern District Court, Georgia Northern District Court, Washington Western District Court, Rhode Island District Court, New Hampshire District Court, Nevada District Court, Michigan Eastern District Court, Maryland District Court, Kentucky Western District Court. He has also filed in the Eastern and Western Districts of Texas. Burton is advised that venue for refiling this application would be proper under 28 U.S.C. § 2241(d) in the Southern District of Texas (where the state court in Fort Bend County, Texas is located) or in the Eastern District of Texas (where he is currently incarcerated at Coffield Unit in Anderson County, Texas).

For the foregoing reasons, this action is dismissed for lack of subject matter jurisdiction, without prejudice to refiling in a federal court of proper jurisdiction. The Clerk is directed to close the file.

It is SO ORDERED.

Dated: New Haven, Connecticut

February 24, 2016

/s/ Charles S. Haight, Jr.
CHARLES S. HAIGHT, JR.
Senior United States District Judge