

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION

HILBERT LEE WALKER,

Petitioner,

v.

CASE NO. 1:10-cv-00053-MP-AK

WALTER MCNEIL,

Respondent.

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**ORDER**

This matter is before the Court on Doc. 1, a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, filed by Hilbert Lee Walker, and Doc. 2, Petitioner's motion for leave to proceed as a pauper. Petitioner is presently incarcerated in Santa Rosa Correctional Institution, Milton, Florida, within the Northern District. However, the Petition stems from a conviction and sentence imposed in Bradford County, Florida, within the Middle District. Jurisdiction is appropriate in either court, as the districts of confinement and conviction, respectively. 28 U.S.C. § 2241(d).

The district of conviction would appear to be the most convenient for witnesses should an evidentiary hearing be necessary, and therefore, transfer of this case to the Middle District is appropriate. Mitchell v. Henderson, 432 F.2d 435, 436 (5th Cir. 1970) (division of conviction, where witnesses were located, was appropriate venue over division of confinement in challenge to conviction); Parker v. Singletary, 974 F.2d 1562, 1582 n.118 (11th Cir. 1992) (courts should give careful consideration to convenience of witnesses in transferring habeas corpus petitions under § 2241(d)).

Accordingly, it is

**ORDERED AND ADJUDGED:**

That this case is **TRANSFERRED** to the United States District Court for the Middle District of Florida for all further proceedings. The Clerk is directed to immediately forward the file to that Court.

**DONE AND ORDERED** this 14th day of April, 2010

*s/Maurice M. Paul*

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Maurice M. Paul, Senior District Judge