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

FRANKLIN DELANO FLOYD,

Petitioner.

v.

CASE NO. 4:09cv198-SPM-AK

WALTER A. MCNEIL,
Secretary Department of Corrections,

Respondent.

/

ORDER OF TRANSFER

Petitioner has filed a petition for writ of habeas corpus under 28 U.S.C. § 2254. Doc. 1.

Petitioner is in state custody at the Union Correctional Institution, which is located in the Middle District of Florida. He challenges his conviction of first-degree murder and death sentence imposed in state court in Pinellas County, Florida. Pinellas County is in the Middle District of Florida. Petitioner has also challenged this same conviction and sentence by § 2254 petitions filed in the Middle District (see e.g. 8:06cv1402-T-27MSS).

Venue of a § 2254 petition lies in both the district where the petitioner was convicted and the place where the petitioner is incarcerated, but such a petition

may be transferred to the more convenient of the districts. 28 U.S.C. § 2241(d).

In most cases, the district of conviction is the more convenient forum. Parker v. Singletary, 974 F.2d 1562, 1582 & n. 118 (11th Cir. 1992). Accordingly,

IT IS ORDERED: This case is transferred to the United States District Court for the Middle District of Florida. The clerk shall take all steps necessary to effect the transfer.

DONE AND ORDERED this 30th day of June, 2009.

s/ Stephan P. Mickle

Stephan P. Mickle
Chief United States District Judge