

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

RICHARD ROSS,

Petitioner,

v.

CASE NO. 1:10-cv-00032-MP-AK

STATE OF FLORIDA,

Respondent.

_____ /

ORDER

This case is before the Court upon a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. Doc. 1. Petitioner is currently incarcerated at the Florida State Prison in Raiford, Florida, and challenges his conviction out of the Circuit Court of Miami-Dade County, Florida. Jurisdiction is therefore appropriate in either the United States District Court for the Middle District of Florida or in the United States District Court for the Southern District of Florida, 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 forum for witnesses should an evidentiary hearing be necessary, and therefore, transfer of this case to the Southern 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 be **TRANSFERRED** to the United States District Court for the Southern District of Florida for all further proceedings.

DONE AND ORDERED this 1st day of March, 2010

s/Maurice M. Paul

Maurice M. Paul, Senior District Judge