

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

ROBERT LEE BROWN,

Petitioner,

v.

CASE NO. 1:10-cv-00167-MP -AK

WALTER A MCNEAL,

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. Petitioner is currently incarcerated at Gulf Correctional Institution and challenges his conviction in the Circuit Court of Lake County, Florida. Jurisdiction is therefore appropriate in either this district or in the United States District Court for the Middle 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 cause 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:

This case is hereby **TRANSFERRED** to the Middle District of Florida for all further proceedings.

DONE AND ORDERED this 26th day of August, 2010

s/Maurice M. Paul

Maurice M. Paul, Senior District Judge