

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

DANNY ROBINSON,

Petitioner,

vs.

Case No. 4:09cv27-SPM/WCS

FLORIDA PAROLE COMMISSION,

Respondent.

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REPORT AND RECOMMENDATION TO TRANSFER § 2254 PETITION

Petitioner filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Doc. 1. He also filed a motion to proceed in forma pauperis, doc. 2, which is moot as the filing fee has been paid.

Petitioner is currently incarcerated at Moore Haven Correctional Institution, and challenges the revocation of his conditional release by the Florida Parole Commission. According to the website for the Florida Department of Corrections, he was convicted in Hendry County.

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 of a State which contains two or more Federal judicial districts, 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 and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

28 U.S.C. § 2241(d).

Petitioner is in custody pursuant to a state court judgment out of Hendry County, located in the Middle District of Florida, and is incarcerated in the Middle District of Florida. Transfer to that district is appropriate.

It is therefore respectfully **RECOMMENDED** that this case be **TRANSFERRED** to the United States District Court for the Middle District of Florida for all further proceedings.

IN CHAMBERS at Tallahassee, Florida on February 26, 2009.

s/ William C. Sherrill, Jr.
WILLIAM C. SHERRILL, JR.
UNITED STATES MAGISTRATE JUDGE

NOTICE TO PARTIES

Within 15 days after being served with a copy of this report and recommendation, a party may serve and file specific, written objections to the proposed findings and recommendations. A party may respond to another party's objections within 10 days after being served with a copy thereof. Failure to file specific objections limits the scope of review of proposed factual findings and recommendations.