

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

JEFFERY D. SHORES,

Petitioner,

v.

CASE NO. 4:11-cv-246-RH-GRJ

SEC'Y, DEPT. OF CORRECTIONS,

Respondent.

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ORDER

This case is before the Court on Doc. 1, a Petition Under 28 U.S.C. § 2254 For Writ of Habeas Corpus By a Person in State Custody. Petitioner, who is incarcerated at Jefferson Correctional Institution, within this District, challenges his conviction entered in the Circuit Court for the Fifth Judicial Circuit Court in and for Marion County, Florida. Jurisdiction is, therefore, appropriate either in 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 Middle District of Florida, the district of conviction, would appear to be the district that is the most convenient for witnesses should an evidentiary hearing be necessary and, therefore, transfer of this case to the Middle District is appropriate. *See 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, upon due consideration, it is **ORDERED**:

That this case is hereby **TRANSFERRED** to the Middle District of Florida for all further proceedings. The Clerk is directed to close the file.

DONE AND ORDERED this 13th day of June 2011.

s/ Gary R. Jones

GARY R. JONES
United States Magistrate Judge