

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

**JOHN KEVIN BOURNE,**  
Petitioner,

vs.

Case No. 5:07cv67/MCR/MD

**DEPARTMENT OF CORRECTIONS  
STATE OF NEW YORK,**  
Respondent.

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**ORDER**

This cause is before the court upon petitioner filing a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (doc. 1) and a motion to proceed *in forma pauperis* (doc. 2). Petitioner is currently incarcerated at Coxsackie Correctional Facility in West Coxsackie, New York (doc. 1). He challenges his March 20, 2003 conviction for fourth degree grand larceny. The court which entered the judgment of conviction under attack is the Schenectady County Court of Schenectady, New York. Pursuant to 28 U.S.C. § 2241(d), the court considers it to be in the interest of justice to transfer this case to the United States District Court for the Northern District of New York, which is the district within which the state court was held which convicted and sentenced petitioner.

Accordingly, it is therefore ORDERED:

The clerk shall transfer this case to the United States District Court for the Northern District of New York.

DONE AND ORDERED this 29<sup>th</sup> day of March, 2007.

/s/ *Miles Davis*

**MILES DAVIS  
UNITED STATES MAGISTRATE JUDGE**