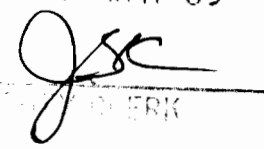


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

FILED
U.S. DISTRICT COURT
GEORGIA
OCT 5 2006 AM 11:59



MELVIN DAVID LEWIS, :
 :
 :
 Petitioner :
 :
 :
 VS. :
 :
 :
 Warden CYNTHIA M. NELSON, GDC, :
 and MARIA BENISH, Assistant District :
 Attorney's Office, :
 :
 :
 Respondents :

NO. 1:06-CV-134 (WLS)

ORDER

Petitioner **MELVIN DAVID LEWIS**, an inmate at Autry State Prison in Pelham, Georgia, has filed a handwritten *pro se* application for writ of habeas corpus pursuant to “28 U.S.C. §§ 2241 and/or 2254.” Petitioner seeks to be released from a detainer lodged against him by the District Attorney’s Office in Philadelphia, Pennsylvania.

In *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-94 (1973), the United States Supreme Court held that the “the most desirable forum” for the adjudication of a habeas claim attacking an interstate detainer was in the state “where all of the material events took place, that the records and witnesses pertinent to petitioner’s claims are likely to be found.” *See also Byrd v. Martin*, 754 F.2d 963 (11th Cir. 1985); *Milstead v. Rison*, 702 F.2d 216 (11th Cir. 1983). Hence, the appropriate forum is the United States District Court for the Eastern District of Pennsylvania, where Philadelphia is situated. See 28 U.S.C. § 118(a).

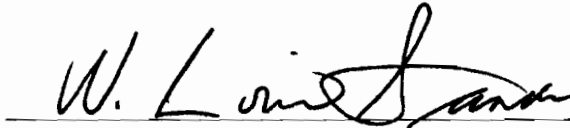
Accordingly, for the convenience of the parties and potential witnesses in this case and in the interests of justice, the instant action is hereby **TRANSFERRED** to the Eastern District of

Lewis v. Nelson et al

Doc. 4

Pennsylvania. See 28 U.S.C. § 2241(d) and 28 U.S.C. § 1404(a).

SO ORDERED, this 4th day of October, 2006.

A handwritten signature in cursive script, reading "W. Louis Sands", written over a horizontal line.

W. LOUIS SANDS
UNITED STATES DISTRICT JUDGE