

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

KEVIN HUMPHREY,)	
)	
Petitioner,)	
)	
v.)	Case No. CV413-182
)	
COMMISSIONER BRIAN OWENS)	
and GEORGIA DEPARTMENT OF)	
CORRECTIONS,)	
)	
Respondents.)	

ORDER

Kevin Humphrey has filed a petition for writ of habeas corpus challenging the conditions of his state probation. (Doc. 1.) Those conditions were imposed by the Superior Court of Houston County, Georgia following Humphrey’s conviction for child molestation in 2003. (*Id.* at 2.)

Houston County lies within the jurisdiction of the United States District Court for the Middle District of Georgia. 28 U.S.C. § 90(b)(2). Federal law permits a state prisoner’s habeas petition to be filed in the district within which he was convicted or in the district within which he is confined. 28 U.S.C. § 2241(d); *Wright v. Indiana*, 263 F. App’x 794,

795 (11th Cir. 2008). As Humphrey now resides in Savannah, both this Court and the Middle District concurrently hold jurisdiction over the case. It is, however, the long-standing policy and practice in the United States district courts in this Circuit to cause all such petitions to be filed in or transferred to the district within which the state prisoner was convicted, since that will be the most convenient forum. *Mitchell v. Henderson*, 432 F.2d 435, 436 (5th Cir. 1970); see *Wright*, 263 F. App'x at 795 (citing *Byrd v. Martin*, 754 F.2d 963, 965 (11th Cir. 1985)). This practice also fosters an equitable distribution of habeas cases between the districts of this state.

As the Court concludes that the Middle District would be the better forum for resolving this matter, the Clerk is **DIRECTED** to transfer this case to the Middle District of Georgia for all further proceedings. See 28 U.S.C. § 1404(a) (permitting a district court to transfer any civil action to another district or division where it may have been brought for the convenience of parties and witnesses and in the interest of justice).

SO ORDERED this 5th day of December, 2013.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA