

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

| | | |
|-----------------------------|---|-----------------------------------|
| JAMES GLENN WILDER, | : | |
| | : | |
| Petitioner, | : | |
| | : | CIVIL NO. 5:15-CV-0462-CAR |
| VS. | : | |
| | : | |
| Warden WALTER BERRY, | : | |
| | : | |
| Respondent. | : | |

ORDER

Petitioner James Glenn Wilder has filed a pleading in this Court in which he appears to challenge the validity his criminal convictions in both Paulding County and Lincoln County, Georgia. The Rules Governing § 2254 Cases do not permit prisoners to file a single a habeas petition challenging judgments “of more than one state court.” *See* Rule 2(e) of the Rules Governing § 2254 Cases. A “petitioner who seeks relief from judgments of more than one state court must file a separate petition covering the judgment or judgments of each court.” *See id.; Magwood v. Patterson*, 561 U.S. 320, 334 n. 9 (2010). For this reason, and because neither conviction is properly challenged in this venue,¹ it is **ORDERED** that the instant petition be **DISMISSED without prejudice** to Petitioner’s right to refile separate petitions in the appropriate federal district courts.

1 Section 2241(d) of Title 28 of the United State Code permits a state prisoner’s habeas petition to be filed in the district within which the prisoner was convicted or in the district within which the prisoner is confined. The statute also allows for a discretionary transfer by the Court from one such district to the other. It is the long-standing policy and practice of the United States District Courts for the Middle, Northern, and Southern Districts of Georgia to cause all such petitions to be filed in, or transferred to, the district in which the state prisoner was convicted. *See Eagle v. Linahan*, 279 F.3d 926, 933 n.9 (11th Cir. 2001). Adherence to this practice and policy results in each district court considering habeas matters coming only from state courts within its jurisdiction and in an equitable distribution of cases between the districts of this State.

The **CLERK** is **DIRECTED** provide Petitioner with two copies of the standard form for habeas actions filed under § 2254. If he wishes to proceed with these claims, Petitioner may challenge the judgment of each court separately, in separately filed habeas petitions with the appropriate filing fee. Petitioner is advised that Paulding County is located in the Northern District of Georgia and Lincoln County is located in the Southern District of Georgia.

SO ORDERED, this 22nd day of January, 2016.

S/ C. Ashley Royal
C. ASHLEY ROYAL
UNITED STATES DISTRICT JUDGE