

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

NICK FALCON,	:	
	:	
Petitioner,	:	Civ. No. 17-11762 (NLH)
	:	
v.	:	MEMORANDUM AND ORDER
	:	
DIRECTOR MARK INCH,	:	
	:	
Respondent.	:	
	:	

It appearing that:

1. Petitioner Nick Falcon is currently in the protective custody of the Federal Bureau of Prisons at an unknown location. He brings this pro se Petition for a Writ of Habeas Corpus, under 28 U.S.C. § 2254, challenging a 2013 Gwinnett County, Georgia Superior Court conviction for aggravated assault, robbery, possession of a firearm during a felony and possession of a firearm by a felon. ECF No. 1 (filed under seal).

2. The Court issued an order entered December 12, 2017, ECF No. 2, ordering the Respondent to file a limited answer addressing whether this matter should be transferred to the U.S. District Court for the Northern District of Georgia because Petitioner seeks to challenge a conviction from Gwinnett County Superior Court in Lawrenceville, Georgia. See generally Verissimo v. I.N.S., 204 F. Supp. 2d 818, 820 (D.N.J. 2002) (citing 28 U.S.C. § 1404(a); Braden v. 30th Judicial Circuit

Court, 410 U.S. 484, 493-94 (1973))(courts may transfer a habeas corpus action "for the convenience of parties and witnesses to any other district where it might have been brought").

3. The Respondent filed a limited answer, in which he asserts that "given the nature of Petitioner's allegations," "the interests of justice would be best served by transferring the Petition to the U.S. District Court for the Northern District of Georgia." ECF No. 13 (filed under seal).

4. The Petitioner has not objected to the transfer of his Petition.

5. The Court finds that it is in the interest of justice as well as for the convenience of the parties and witnesses to transfer this action to the Northern District of Georgia, where the material events occurred, where the records and most witnesses are located, and where the conviction and sentencing at issue in this Petition occurred. See ECF No. 13, Limited Ans. (filed under seal).

Therefore, IT IS on this 19th day of March, 2018,

ORDERED that this action is hereby TRANSFERRED to the U.S. District Court for the Northern District of Georgia; and it is further

ORDERED that the Clerk of the Court shall effectuate the

transfer on an expedited basis pursuant to 28 U.S.C. §§ 1406(a) and 1631; and it is finally

ORDERED that the Clerk of the Court shall serve a copy of this Order upon Petitioner by regular U.S. mail.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.