

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

MARIA DAPHNE WIGGINS	)	
WELCH,	)	
	)	
Petitioner,	)	
	)	
v.	)	CV416-271
	)	
SUE MICKENS,	)	
	)	
Respondent.	)	

**ORDER**

After the United States District Court for the Middle District of Georgia transferred petitioner’s 28 U.S.C. § 2254 case to this Court (she was convicted in a county within this district), doc. 7, she (by letter) moved for reconsideration.<sup>1</sup> Doc. 8.

A petitioner may seek federal habeas relief from a state-court conviction either in the United States district court for the district where she is incarcerated or for the district where the state court that convicted

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<sup>1</sup> Welch’s letter suggests several possible alternative constructions. Doc. 8 at 2 (letter should be construed, *inter alia.*, as “Motion Venue To be changed [sic],” or “Motion Interlocutory Appeals for immediate review [sic]”). For the reasons explained below, transfer to this Court was proper, and Welch has not raised any colorable claim to the contrary. Regardless of construction, therefore, her motion is **DENIED**.

her is located. 28 U.S.C. § 2241(d). When the petitioner makes her election, the chosen district court has discretion to transfer the case to the other district having jurisdiction. *Id.* Georgia district courts have a longstanding policy that state prisoners' habeas petitions should be addressed by the district where the convicting court is located. Doc. 4 (citing *Eagle v. Linahan*, 279 F.3d 926, 933 n. 9 (11th Cir. 2001)). The transferor Court here properly exercised its discretion on that score.

Welch objects to the transfer because she (mistakenly) believes her case is heading back to the Superior Court of Chatham County. Doc. 8 at 2 (objecting to transfer to "Savannah Georgia Division 'Southern District' Chatham County Superior Court where the [alleged] fraud took place," and to transfer "back to a court that violation [sic] took place"). In fact, her case *has not* been transferred that court. Hence, her reconsideration motion is **DENIED**. Doc. 8

**SO ORDERED**, this 1st day of November, 2016.

  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA