

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

ERIC D. SMITH,)	
)	
Petitioner,)	
v.)	No. 1:07-cv-848-RLY-JMS
)	
WILLIAM K. WILSON,)	
)	
Respondent.)	

Entry Transferring Action to Northern District of Indiana

This cause is before the court on the petition of Eric D. Smith for a writ of habeas corpus. The habeas petition is accompanied by Mr. Smith's motion for leave to proceed *in forma pauperis*.

Whereupon the court, having read and examined such petition, and being duly advised, now finds that the petitioner is confined at a facility in the Northern District of Indiana, that in this action he attacks prison disciplinary proceedings in which he suffered a demotion in credit time class, and that the disciplinary proceedings took place at the same prison (in the Northern District of Indiana).

Pursuant to 28 U.S.C. § 2241(d), the proper venue for this action is the Northern District of Indiana. When venue is improper, the district court has the discretion to either dismiss the case or transfer it "in the interest of justice." 28 U.S.C. § 1406(a). In this case, transfer of the cases to the District with proper venue is the course which will be taken.

IT IS THEREFORE ORDERED THAT THE ABOVE ACTION IS TRANSFERRED, without acting on the petitioner's motion to proceed *in forma pauperis*, to the United States District Court for the Northern District of Indiana at South Bend, Indiana.



RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

Date: 07/06/2007

Distribution:

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