IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION

JOSEPH MICHAEL STEPHEN,

Petitioner,

vs.

CORNELL SMITH,

Respondent.

No. C16-3100-MWB

ORDER

This matter is before the court on the petitioner's application for a writ of habeas corpus (civil docket no. 1-1). The petitioner submitted such application on September 9, 2016. Along with his application for a writ of habeas corpus, the petitioner filed supporting state court documentation (docket no. 1-2), an application to proceed *in forma pauperis* (docket no. 1) and a motion to appoint counsel (docket no. 2).

Currently confined at the North Central Correctional Facility in Rockwell City, Iowa, the petitioner brings this action under 28 U.S.C. § 2254 to challenge the legality of his conviction and resulting sentence. An application for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a state which contains two or more federal judicial districts may be filed in either the district court where the petitioner is confined or the district court where the conviction occurred. 28 U.S.C. § 2241(d). In furtherance of justice, the district court in which the application is filed may transfer the application to the other district court. *Id*. Federal courts in Iowa have chosen to hear applications attacking a state conviction or sentence in the district in which the conviction occurred.

The court transfers the application forthwith to the United States District Court for the Southern District of Iowa, the district where the conviction occurred. The clerk's

office is directed to send the entire file to the Southern District at Des Moines, Iowa, and retain a copy of the file.

By this order, the court expresses no opinion as to whether the petitioner's application for a writ of habeas corpus meets the requirements of 28 U.S.C. § 2254. Likewise, the court declines to address whether the petitioner is entitled to *in forma pauperis* status or whether the petitioner is entitled to appointment of counsel.

IT IS SO ORDERED.

DATED this 20th day of October, 2016.

Mark W. Bennett

MARK W. BENNETT
U. S. DISTRICT COURT JUDGE
NORTHERN DISTRICT OF IOWA