UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION
ASHLAND

ADAM ANTHONY BARKER, Petitioner, v. SHAWN MCKENZIE, Respondent.	)	Case No. 0:22-cv-00086-GFVT-EBA **ORDER**

*** *** *** ***

This matter is before the Court on the Report and Recommendation filed by United States Magistrate Judge Edward B. Atkins addressing Petitioner Adam Barker's Petition for Writ of Habeas Corpus [R. 1.] Mr. Barker seeks to attack his criminal conviction from the Jefferson Circuit Court, which lies in the federal judicial district of the Western District of Kentucky. Judge Atkins recommends that the Court transfer the action to the United States District Court for the Western District of Kentucky, Louisville Division. [R. 7.] Mr. Barker objects to the Report and Recommendation, arguing that he "is concerned that he may not receive a fair turn in the" Western District because he alleges prosecutorial and judicial misconduct. [R. 8 at 1.]

Under 28 U.S.C. § 1404, a district court may transfer a civil action to another district where it might have been brought "for the convenience of parties and witnesses [and] in the interest of justice." Judge Atkins correctly recommends that the action be transferred to the Western District because it is where "the witnesses and records are likely to be located." [R. 7.] Mr. Barker was convicted by a state court located in the Western District and alleges misconduct by individuals located in the Western District. [R. 1 at 1; R. 8;] *see also Braden v. 30th Jud. Cir. Ct. of Ky.*, 410 U.S. 484, 493-94 (1973) (holding that the most appropriate district was "where all

the material events took place [and] the records and witnesses pertinent to petitioner's claim [were] likely to be found"). Although Mr. Barker alleges misconduct against federal prosecutors and a state judge, the Court is confident that his claims will be fairly considered in the Western District. Accordingly, and the Court being sufficiently advised, it is hereby **ORDERED** as follows:

1. Petitioner Adam Barker's Objections **[R. 8]** are **OVERRULED**,
2. Judge Atkins's Report and Recommendation **[R. 7]** is **ADOPTED** as and for the opinion of the Court, and;
3. The Clerk is **DIRECTED** to transfer this action to the United States District Court for the Western District of Kentucky, Louisville Division.

This the 17th day of November, 2022.

Gregory F. Van Tatenhove
United States District Judge