

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Carlos D. Robinson,)	C/A No. 9:12-2924-JFA-BM
)	
Petitioner,)	
v.)	ORDER
)	
United States of America,)	
)	
Respondent.)	
_____)	

The *pro se* petitioner, Carlos D. Robinson, is an inmate at the Federal Correctional Institution in Inez, Kentucky. He was originally sentenced in the District of South Carolina in May 2004. He brought this action under 28 U.S.C. § 2241 and now moves to transfer the case to the Eastern District of Kentucky where he is incarcerated.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation and opines that this court cannot rule on the merits of petitioner’s contentions because petitioner’s warden in Kentucky—the proper respondent—is not located within the geographical limits of this United States District Court in the District of South Carolina. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

After carefully reviewing the applicable laws, the record in this case, the Report and Recommendation, and the petitioner's response thereto, this court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law and it is incorporated herein by reference.

Accordingly, the Clerk is authorized to transfer this action to the United States District Court for the Eastern District of Kentucky.

IT IS SO ORDERED.

January 8, 2013
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge