

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

EDDIE JARRELL (#128449)

CIVIL ACTION

VERSUS

DARREL VANNOY, ET AL.

NO.: 17-00095-BAJ-EWD

RULING AND ORDER

Before the Court is the United States Magistrate Judge's **Report and Recommendation (Doc. 3)**, pursuant to 28 U.S.C. § 636(b)(1). The Magistrate Judge recommended that the case be transferred to the United States District Court for the Eastern District of Louisiana ("Eastern District"). (Doc. 3 at p. 3). The Magistrate Judge further recommended that a determination regarding Petitioner's right to proceed as a pauper herein be deferred to the transferee court for resolution and disposition. (*Id.*).

The Report and Recommendation notified the parties that, pursuant to 28 U.S.C. § 636(b)(1), the parties had fourteen (14) days from the date of the Report and Recommendation to file written objections to the proposed findings of fact, conclusions of law and recommendations therein. (*Id.* at 1). Plaintiff filed an objection.<sup>1</sup>

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<sup>1</sup> Petitioner objects to the transfer of this case to the Eastern District for the reason that he is detained in this District. (Doc. 4 at p. 3). However, as Petitioner acknowledges, he has raised an actual innocence claim based on new evidence pertaining to his conviction from a state court proceeding that took place in the Eastern District. (*See* Doc. 1 at p. 3). Thus, the case necessitates the presentation of evidence that exist within the Eastern District, not the Middle District, warranting its transfer to the Eastern District. *See* 28 U.S.C.A. § 2241(d) (permitting a court to, in its discretion and in the interest of justice, transfer a state habeas petition to the district court where the petitioner was convicted and sentenced);

Having carefully considered the underlying petition and related filings, the Court approves the Magistrate Judge's Report and Recommendation, and hereby adopts the findings of fact, conclusions of law, and recommendation.

Accordingly,

**IT IS ORDERED** that the **Magistrate Judge's Report and Recommendation (Doc. 3)** is **ADOPTED** as the Court's opinion herein.

**IT IS FURTHER ORDERED** that this matter is transferred to the United States District Court for the Eastern District of Louisiana.

Baton Rouge, Louisiana, this 23<sup>rd</sup> day of June, 2017.



**BRIAN A. JACKSON, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**

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*Eckles v. Cockrell*, No. 3:02-CV-1708-R, 2002 WL 31157307, at \*1 (N.D. Tex. Sept. 24, 2002) (“In a habeas corpus proceeding, if there is any possibility that an evidentiary hearing may be necessary, the action should be transferred to the district or division which Petitioner was convicted and sentenced.”). The Magistrate Judge found that “it is in the interest of justice to transfer this case to the Eastern District of Louisiana where the evidence and witnesses will more likely be easily located and produced.” (Doc. 3 at p. 3). The Court concurs with that finding.