

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HENRY OSWALD SMITH,

Petitioner,

Case No. 1:17-cv-881

v.

Honorable Paul L. Maloney

SHERMAN CAMPBELL,

Respondent.

ORDER OF TRANSFER

This is a habeas corpus proceeding brought by a state prisoner under 28 U.S.C. § 2254. On March 17, 1982, Petitioner was convicted in the Wayne County Circuit Court of second degree murder, Mich. Comp. Laws § 750.317. He was sentenced to life in prison.

Venue in habeas corpus actions is governed by 28 U.S.C. § 2241. That statute allows a petition to be filed either in the district where the petitioner is in custody or in the district in which the petitioner was convicted. 28 U.S.C. § 2241(d). Petitioner presently is incarcerated at Gus Harrison Correctional Facility, located in Lenawee County. Petitioner was convicted in Wayne County. Both Lenawee and Wayne counties are located in the Eastern District of Michigan. 28 U.S.C. § 102(a). Venue, therefore, lies in that district, not in the Western District of Michigan. Accordingly,

IT IS ORDERED that this case is hereby transferred to the United States District Court for the Eastern District of Michigan pursuant to 28 U.S.C. § 1406(a).

Dated: November 7, 2017

/s/ RAY KENT
United States Magistrate Judge