

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

CAROL SUE KUSK,

Petitioner,

Case No. 1:16-cv-1408

v.

Honorable Robert J. Jonker

UNKNOWN PARTY,

Respondent.

/

ORDER OF TRANSFER

This is a habeas corpus proceeding brought by a state prisoner pursuant to 28 U.S.C. § 2254. On August 29, 2014, Petitioner was convicted in the Oakland County Circuit Court of domestic assault. She was sentenced to a jail term of 93 days.

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 resides in Oakland County. As set forth above, Petitioner also was convicted in Oakland County. Oakland County is 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: December 19, 2016

/s/ Ray Kent
RAY KENT
United States Magistrate Judge