

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOHN UMBARGER,

Petitioner,

v.

CASE NO. 2:09-CV-14715  
HONORABLE GERALD E. ROSEN

MICHIGAN DEPARTMENT OF CORRECTIONS,  
and GERALD HOFBAUER, in his official capacity  
as Warden of the Marquette Branch Prison,

Respondents.

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**FILED**

**DEC 15 2009**

CLERK'S OFFICE  
U.S. DISTRICT COURT  
ANN ARBOR, MI

**ORDER OF TRANSFER**

Petitioner John Umbarger, a Michigan prisoner currently confined at the Marquette Branch Prison in Marquette, Michigan, has filed a petition for writ of habeas corpus with this Court pursuant to 28 U.S.C. §§ 2241, 2254. He challenges his confinement pursuant to a state criminal conviction for first-degree criminal sexual conduct which was imposed by the Kent County Circuit Court in Grand Rapids, Michigan and for which he was sentenced to 15 to 45 years imprisonment in 1996.

A habeas petition submitted by a person in state custody may be filed in the district where the person is in custody or in the district where the person was convicted and sentenced. 28 U.S.C. § 2241(d). The federal court in the district in which the petitioner files his habeas petition in the exercise of its discretion and in furtherance of justice may transfer the petition to another district court in the same state for hearing and determination. *Id.*

Petitioner was convicted in Kent County and is confined in Marquette County. Those counties lie in the Western District of Michigan. *See* 28 U.S.C. § 102(b). Accordingly, the Court

**TRANSFERS** this case to the United States District Court for the Western District of Michigan.  
The Court **ORDERS** the Clerk of the Court to transfer the court file to the United States District Court for the Western District of Michigan.

/s/ R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: December 15, 2009