

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

| | | |
|--------------------------|---|----------------------|
| MACK MOZIAH GARVEY a/k/a |) | |
| DAVID M. PERKINS, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | No. 4:12-CV-2186-AGF |
| |) | |
| RICHARD G. CALLAHAN, |) | |
| |) | |
| Respondent. |) | |

MEMORANDUM AND ORDER OF TRANSFER

This matter is before the Court on review of petitioner's amended petition for writ of habeas corpus [Doc. #6]. For the following reasons, the Court will transfer this case to the United States District Court for the Western District of Missouri.

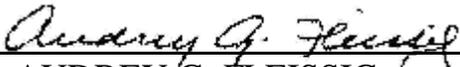
Petitioner, a Missouri state prisoner, seeks a writ of habeas corpus under 28 U.S.C. § 2254. Petitioner is incarcerated in the Western District of Missouri, and petitioner's conviction arose in the Western District of Missouri.

Because petitioner's incarceration and conviction both lie in the Western District of Missouri, this Court lacks jurisdiction over the petition. However, rather than dismiss this action, the Court finds that it is in the interest of justice to transfer it to the United States District Court for the Western District of Missouri under 28 U.S.C. § 1631.

Accordingly,

IT IS HEREBY ORDERED that the Clerk shall transfer this case to the United States District Court for the Western District of Missouri. *See* 28 U.S.C. § 1631.

Dated this 15th day of January, 2013.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE