

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BILLIE JOE CHAPMAN,)	8:15CV267
)	
Petitioner,)	
)	
v.)	MEMORANDUM AND ORDER
)	
DAN CRAIG, Warden, of the Iowa)	
Medical and Classification Center,)	
)	
Respondent.)	

Petitioner Billie Joe Chapman filed a Petition for Writ of Habeas Corpus (Filing No.

1) on July 20, 2015. He challenges the constitutionality of his custody and seeks an order requiring the Iowa Department of Corrections to release him from custody. Chapman was sentenced in a criminal case in a state district court in Pottawattamie County. He is currently incarcerated at the Iowa Medical and Classification Center in Coralville, Iowa.

In a habeas corpus proceeding, jurisdiction lies in the district of confinement. *Rumsfeld v. Padilla*, 542 U.S. 426, 442 (2004) (quotation omitted). Chapman is not in custody in Nebraska, and he is not challenging a conviction or sentence issued by a Nebraska state court. Therefore, this court does not have jurisdiction to entertain Chapman's petition.

Section 1631 of Title 28 permits the court to transfer an action, in the interest of justice, to any other court where the action could have been brought. 28 U.S.C. § 1631. Chapman was convicted in a state court within the Southern District of Iowa, and his place of incarceration is within the Southern District of Iowa. Therefore, in the interest of justice, the court will transfer this case to the United States District Court for the Southern District of Iowa for hearing and determination. Accordingly,

IT IS ORDERED:

1. This case is transferred to the United States District Court for the Southern District of Iowa.
2. The clerk of the court is directed to take all necessary steps to transfer this matter.

DATED this 7th day of October, 2015.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge