

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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-PS-O-

JESUS GARCIA, JR.,

Petitioner,

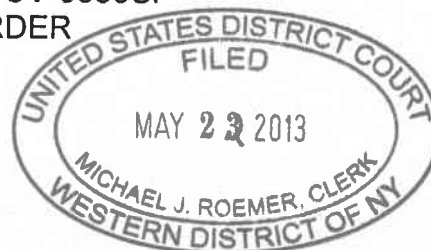
-v-

GRIFFIN, Superintendent,

Respondent.

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13-CV-0335Sr  
ORDER



On April 17, 2013, the Court mistakenly directed the Clerk of the Court to transfer the instant petition for a writ of habeas corpus to the United States District Court, Southern District of New York on the basis that the conviction was obtained in a county located within that District. *See Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 499, n.15 (1973). The conviction, however, was obtained in Queens County, which is located within the Eastern District of New York, not the Southern District of New York. 28 U.S.C. § 112(c).

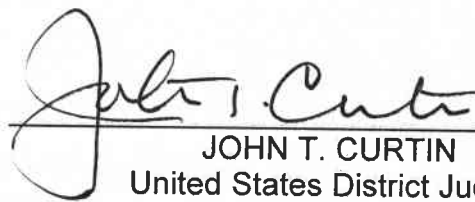
Accordingly, the Court hereby vacates the prior Order transferring this petition to the United States District Court, Southern District of New York (Docket No. 5) and directs the Clerk of the Court to re-transfer this petition to the United States District Court, Eastern District of New York. The determination of the petitioner's motion for permission to proceed *in forma pauperis* has been left to the Eastern District of New York.

The Clerk of the Court shall also forward a copy of this Order to the Southern District of New York.

SO ORDERED.

DATED:

5/22  
5/15, 2013  
Buffalo, New York

  
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JOHN T. CURTIN  
United States District Judge