

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:11cv250-RJC**

**SYLVESTER HALL,** )  
 )  
 **Petitioner,** )  
 )  
 **v.** )  
 )  
 **(FNU) BULLOCK, Supt.,** )  
 )  
 **Respondent.** )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** comes before the Court on an initial review of a Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus, filed May 17, 2011.<sup>1</sup>

Petitioner's return address reflects that he currently is being housed at the Lanesboro Correctional Institution, which is situated within this Court's territorial jurisdiction. (Doc. No. 2-1). However, the disciplinary conviction that Petitioner seeks to challenge was imposed by the Hoke Correctional Institution, a division of the North Carolina Department of Corrections, which is situated within the territorial jurisdiction of the United States District Court for the Middle District of North Carolina.

This Court may, in the exercise of its discretion and in furtherance of justice, transfer this case to the district of conviction. 28 U.S.C. § 2241(d). Therefore, pursuant to that provision, and in accordance with a joint Order of the United States District Courts for the Eastern, Middle and Western Districts of North Carolina, the entire record of this proceeding, including

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<sup>1</sup> The instant Petition was received at the Court and filed by the Clerk on May 19, 2011; however, such document contains a certification that Petitioner placed it in his Prison's mailing system on May 17, 2011. Therefore, pursuant to the "mail box rule" articulated in Houston v. Lack, 487 U.S. 266 (1988), the Court will treat the Petition as having been filed on May 17, 2011.

Petitioner's Application to Proceed in District Court without Prepaying Fees or Costs (Doc. No. 1), will be transferred to the United States District Court for the Middle District of North Carolina for all further proceedings. Byrd v. North Carolina, 200 F. App'x 235, 237 (4th Cir. Sept. 18 2006) (unpublished) (noting that such joint order provides that § 2254 petitions “shall be filed, heard, and determined in the district court for the district within which the state court was held which convicted and sentenced [the petitioner], and the clerks of the several district courts are authorized and directed to transfer such applications to the district herein designated for filing, hearing, and determination.”).

**IT IS, THEREFORE, ORDERED** that the Clerk of Court shall **TRANSFER** the instant Petition (Doc. No. 2) along with the entire record of this proceeding to the United States District Court for the Middle District of North Carolina for all further proceedings.

Signed: June 1, 2011



Robert J. Conrad, Jr.  
Chief United States District Judge

