

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

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|------------------------|---|-----------|
| RODERICK ALLEN STUBBS, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | 1:14CV937 |
| |) | |
| KATY POOLE, |) | |
| |) | |
| Respondent. |) | |

RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Petitioner, a prisoner of the State of North Carolina, submitted a Petition under 28 U.S.C. § 2254 for writ of habeas corpus by a person in state custody. In filing a Motion for Summary Judgment [Doc. #4] and Brief [Doc. #5], Respondent noted that Petitioner was convicted and sentenced in the Superior Court of Robeson County, within the territorial jurisdiction of the United States District Court for the Eastern District of North Carolina. Accordingly, Respondent requested that the Court transfer this matter to that district. In his Response [Doc. #6] to the Motion for Summary Judgment, Petitioner joins the request to transfer the matter.

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 the agreement of the Parties in this matter, 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 should be transferred to the United States District Court for the Eastern District of North Carolina for all further proceedings.

IT IS THEREFORE RECOMMENDED that this action and the entire record of this proceeding be transferred to the United States District Court for the Eastern District of North Carolina for further proceedings.

This, the 26th day of May, 2015.

/s/ Joi Elizabeth Peake
United States Magistrate Judge