

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

HENRY S. SCRUGGS,)	CASE NO. 1:07 CV 1820
)	
Petitioner,)	JUDGE KATHLEEN M. O'MALLEY
)	
v.)	
)	<u>ORDER OF TRANSFER</u>
RICH GANSHEIMER,)	
)	
Respondent.)	

Petitioner pro se Henry S. Scruggs, an inmate in state custody at the Lake Erie Correctional Institution (LECI) in Conneaut, Ohio, brings this action for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Petitioner challenges the judgment of conviction entered by the Hamilton County Court of Common Pleas. Hamilton County is within Ohio's southern federal judicial district. LECI is located within Ohio's northern federal judicial district. Because petitioner challenges the conviction of a state court within the Southern District of Ohio, but is in custody in the Northern District of Ohio, both districts have concurrent jurisdiction over the action. 28 U.S.C. § 2241(d).

This court has the discretion to transfer this action to

the Southern District for hearing and determination. Id. A transfer to the Southern District is appropriate in this case, because it is the more convenient forum and the evidence is more readily accessible in the district where petitioner was convicted. See, Bell v. Watkins, 692 F.2d 999, 1013 (5th Cir. 1982), cert. denied, 464 U.S. 843 (1983); see also, Braden v. 30th Judicial Circuit Court of Ky., 410 U.S. 484, 497 n.13 (1973).

Accordingly, this action is hereby TRANSFERRED to the United States District Court for the Southern District of Ohio (Cincinnati).

IT IS SO ORDERED.

s/ Kathleen M. O'Malley
KATHLEEN M. O'MALLEY
UNITED STATES DISTRICT JUDGE

DATED: July 2, 2007