

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

William J. Himes,	:	
	:	
Petitioner	:	Case No. 2:10-cv-00599
	:	
v.	:	Judge Graham
	:	
Michelle Miller, Warden, Belmont Correctional Institution,	:	Magistrate Judge Abel
	:	
Respondent	:	
	:	

ORDER

Petitioner William J. Himes, a prisoner at the Belmont Correctional Institution, brings this action for writ of habeas corpus under 28 U.S.C. §2254. This matter is before the Court on Magistrate Judge Mark R. Abel's July 6, 2010 Report and Recommendation that this case be transferred to the United States District Court for the Northern District of Ohio. No objections have been made to the Report and Recommendation.

Since petitioner Himes was convicted of two counts of complicity to rape in the Court of Common Pleas for Mahoning County, Ohio, this Court has the discretion to transfer this action to the Northern District for hearing and determination. 28 U.S.C. §2241(d). A transfer to the Northern 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, upon *de novo* review as required by 28 U.S.C. § 636(b)(1)(B), the Court ADOPTS the Report and Recommendation. This action is hereby TRANSFERRED to the United States District Court for the Northern District of Ohio at Youngstown.

It is so ORDERED.

s/ James L. Graham
JAMES L. GRAHAM
United States District Judge

DATE: October 7, 2010