

FILED

FEB 25 2015

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY wh, DEPUTY

DEREMY WASHINGTON,)
)
Petitioner,)
)
vs.)
)
WARDEN ADDISON,)
)
Respondent.)

No. CIV-14-1419-W

ORDER

On January 21, 2015, United States Magistrate Judge Suzanne Mitchell issued a Report and Recommendation in this matter and recommended that the Court transfer this action to the United States District Court for the Eastern District of Oklahoma pursuant to title 28, section 2241(d) of the United States Code. Petitioner Deremy Washington was advised of his right to object, see Doc. 7 at 4, but no objections have been filed within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Mitchell's suggestion that this matter be transferred. Section 2241(d) requires that petitions for writs of habeas corpus filed by state prisoners under title 28, section 2254 of the United States Code "be filed in the district court for the district wherein . . . [the petitioner] is in custody or in the district court for the district within which the State court was held which convicted and sentenced him" 28 U.S.C. § 2241(d).

After pleading nolo contendere, Washington was convicted and sentenced in the District Court of Pontotoc County, Oklahoma, which is located within the territorial jurisdiction of the Eastern District of Oklahoma. See id. § 116(b). Washington is


incarcerated in Joseph Harp Correctional Center, in Cleveland County, Oklahoma, which is located in the Western District of Oklahoma. See id. § 116(c). Accordingly, the United States District Courts for the Eastern and Western Districts of Oklahoma have concurrent jurisdiction to entertain Washington's Petition for Writ of Habeas Corpus ("Petition"). See id. § 2241(d).

In the absence of any objection and because relevant factors weigh strongly in favor of transfer, the Court

(1) ADOPTS the Report and Recommendation [Doc. 7] issued on January 21, 2015; and

(2) DIRECTS the Clerk of the Court to transfer Washington's Petition [Doc. 1] file-stamped December 24, 2014, to the United States District Court for the Eastern District of Oklahoma.

ENTERED this 25th day of February, 2015.


LEE R. WEST
UNITED STATES DISTRICT JUDGE