

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

**LEE E. STEPHENS, JR.,** )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
**MIKE CARPENTER,** )  
**Interim Warden of Oklahoma** )  
**State Penitentiary, et al.,** )  
 )  
 Respondents. )

**CIV-18-053-JHP**

**OPINION AND ORDER**

On February 16, 2018, Petitioner Lee E. Stephens, Jr., filed through counsel this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Dkt. 2). Petitioner is incarcerated at Oklahoma State Penitentiary in McAlester, Oklahoma, under an interstate corrections compact. He is challenging his conviction for first degree murder and his life sentence without the possibility of parole imposed in the Circuit Court for Anne Arundel County, Maryland, Case No. 02-K-08-646. Because of counsel’s uncertainty about where the petition should be filed, a “substantially identical” habeas corpus petition was simultaneously filed in the United States District Court for the District of Maryland Case No. 18-cv-493-RDB (Dkt. 10 at 2).

On February 20, 2018, Petitioner filed in this Court and in the District Court of Maryland motions to stay proceedings and to hold the petitions in abeyance, pending a decision from the District Court of Maryland about whether the petition will be heard in

that Court, and pending resolution of Petitioner's motion for reconsideration in the Maryland Court of Special Appeals (Dkt. 10 at 3). On March 1, 2018, Petitioner filed a notice in this Court, advising that the District Court of Maryland had granted a stay for the habeas petition pending in that Court (Dkt. 11). Petitioner subsequently filed a notice advising that the Maryland Court of Special Appeals denied his motion for reconsideration (Dkt. 12).

A § 2254 petition challenges the validity of a conviction and sentence and should be filed in the district where the petitioner was convicted and sentenced. *Montez v. McKinna*, 208 F.3d 862, 865 (10th Cir. 2000). Because this action was improperly filed in the Eastern District of Oklahoma, this Court finds the matter should be addressed in the District Court of Maryland.

**ACCORDINGLY**, Petitioner's motion to stay petition (Dkt. 10) is **denied**, and his petition for a writ of habeas corpus (Dkt. 2) is hereby **transferred** in the interest of justice to the United States District Court for the District of Maryland for all further proceedings. *See* 28 U.S.C. § 1631,

**IT IS SO ORDERED** this 5<sup>th</sup> day of September 2018.

  
James H. Payne  
United States District Judge  
Eastern District of Oklahoma