

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

FILED
DEC 22 2009
ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY BS DEPUTY

JASON WILLIS,
Petitioner,
vs.
DAVID C. MILLER et al.,
Respondents.

No. CIV-09-1292-W

ORDER

On November 24, 2009, United States Magistrate Judge Bana Roberts issued a Report and Recommendation in this matter and recommended that the Petition for a Writ of Habeas Corpus ("Petition") filed by petitioner Jason Willis be transferred to the United States District Court for the Northern District of Oklahoma. Willis, who is represented by counsel, was advised of his right to object to the Report and Recommendation, but no objections have been filed within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Roberts' suggested disposition of this matter. Willis is incarcerated in Lawton Correctional Facility, in Lawton, Oklahoma, which is located within the territorial jurisdiction of the Western District of Oklahoma. In his Petition filed pursuant to title 28, section 2254 of the United States Code, Willis has challenged a judgment of conviction and sentence entered in, and imposed by, the District Court of Mayes County, Oklahoma, which state court is located within the territorial jurisdiction of the Northern District of Oklahoma.

Title 28, section 2241(d) of the United States Code requires petitions brought under section 2254 "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). Pursuant to section 2241(d), the United States District for the Northern District of Oklahoma has concurrent jurisdiction with this Court to entertain Willis' Petition. E.g., id.

Because relevant factors weigh in support of a transfer and because no objections have been filed, the Court in its discretion and in the interest of justice

(1) ADOPTS the Report and Recommendation [Doc. 6] issued on November 24, 2009; and

(2) DIRECTS the Clerk of the Court to transfer Willis' Petition filed on November 20, 2009, to the United States District Court for the Northern District of Oklahoma.

ENTERED this 22nd day of December, 2009.


LEE R. WEST
UNITED STATES DISTRICT JUDGE