

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

BRYAN DEAN WOMACK, )
Petitioner, )
v. ) Case No. CIV-11-1129-D
C. CHESTER, et al., )
Respondents )

ORDER TRANSFERRING CASE

This matter is before the Court for review of the Report and Recommendation [Doc. No. 5] issued by United States Magistrate Judge Bana Roberts pursuant to 28 U.S.C. § 636(b)(1). Judge Roberts recommends that the Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus be transferred to the Eastern District of Oklahoma pursuant to 28 U.S.C. § 2241(d).

Petitioner has filed a timely objection to the Report stating simply that both judicial districts have jurisdiction under § 2241(d) and he objects to a transfer away from the district where he is located. Notwithstanding this objection, the Court finds upon de novo consideration of the transfer issue that justice would be better served by adjudication of the Petition in the judicial district encompassing the state court where Petitioner was convicted and sentenced. Petitioner points to no circumstance in this case that warrants a deviation from the Court's usual practice.

IT IS THEREFORE ORDERED that the Report and Recommendation is adopted. This action is transferred to the United States District Court for the Eastern District of Oklahoma.

IT IS SO ORDERED this 19th day of October, 2011.

Handwritten signature of Timothy D. DeGiusti

TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE