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

WILLIAM GENE EATON,	)	
	)	
Petitioner,	)	
	)	
v.	)	**Case No. CIV-14-1359-R**
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

ORDER

Petitioner filed a "Motion for Legality of Conviction Supported by the Savings Clause Under 28 U.S.C. § 2241 – 28 U.S.C. § 2255(e)," which the Court construes as an application for habeas corpus relief pursuant to 28 U.S.C. § 2241. Doc. No. 1. Pursuant to 28 U.S.C. § 636(b)(1)(B), the matter was referred to United States Magistrate Judge Suzanne Mitchell for preliminary review. On December 31, 2014, Judge Mitchell issued a Report and Recommendation wherein she recommended that the application for habeas relief be dismissed for lack of jurisdiction. Doc. No. 5, at 2, 5. The matter is currently before the Court on Petitioner's objection to the Report and Recommendation [Doc. No. 6], which gives rise to the Court's obligation to conduct a *de novo* review of any portion of the Report and Recommendation to which Petitioner makes specific objection.

Judge Mitchell recommends dismissing this action for lack of jurisdiction under § 2241(a) because it should have been brought in the United States District Court for the Central District of California, where Petitioner is confined, and it is not "in the interest of justice" to transfer his claims to that District under 28 U.S.C. § 1631. Doc. No. 5, at 3-5.

In his objection, Petitioner first notes that the Magistrate Judge "did not address the District Court[']s recharacterizing [P]etitioner's 28 U.S.C. 2255 file[d] Nov. 2000." Doc. No. 6. He also argues that the Report and Recommendation does not address his ineffective assistance of counsel claim. *Id.* These objections go to the merits of Petitioner's claims and do not address the jurisdictional defect of filing the action in the wrong District.

The undersigned agrees with the thorough and well-reasoned Report and Recommendation of the Magistrate Judge. This Court lacks jurisdiction over Petitioner's application for habeas relief under § 2241, and it would not be in the interest of justice to transfer this action to the U.S. District Court for the Central District of California. Accordingly, the Report and Recommendation [Doc. No. 5] is ADOPTED in its entirety and the petition [Doc. No. 1] is DISMISSED.

IT IS SO ORDERED this 4th day of March, 2015.

David L. Russell

DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE