

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

<b>CHRISTOPHER PERDUE,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>CIV-17-20-R</b>
	)	
<b>JOE M. ALLBAUGH,</b>	)	
	)	
<b>Respondent.</b>	)	

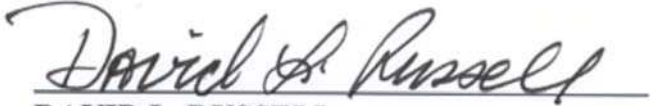
**ORDER**

Petitioner filed this action challenging his conviction from the District Court of Delaware County, Oklahoma. Pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), the Court referred the matter to United States Magistrate Judge Charles Goodwin for preliminary review. On January 25, 2017, Judge Goodwin issued a Report and Recommendation wherein he recommended this action be transferred to the United States District Court for the Northern District of Oklahoma, pursuant to 28 U.S.C. § 116(a), because Delaware County lies within that District. Petitioner objects to the transfer, citing his current incarceration in Payne County, within the territorial jurisdiction of this Court. In light of Petitioner's timely objection to the Report and Recommendation, the Court is obligated to undertake a *de novo* review of those portions of the Report and Recommendation to which Petitioner makes specific objection. Having conducted this review, the Court finds as follows.

The Court concurs with the recommendation contained in the Report and Recommendation that transfer of this action is in the furtherance of justice. Records related

to Petitioner's conviction will be available in the Northern District of Oklahoma, and any witnesses necessary for a hearing, which could include Petitioner's former counsel whose performance is alleged to have been constitutionally ineffective, will likely be located in that District. Accordingly, the Court hereby ADOPTS the Report and Recommendation and exercises its discretion to transfer this action to the Northern District of Oklahoma.

**IT IS SO ORDERED** this 8<sup>th</sup> day of February 2017.

  
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DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE