

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

MICHAEL HANSON, JR.,)
)
 Petitioner,)
)
 v.)
)
 KELLI DAVIS, Warden,)
)
 Respondent.)

Case No. CIV 23-414-RAW-GLJ

OPINION AND ORDER

This matter is before the Court on Petitioner’s petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. (Dkt. 1). Petitioner is a pro se state prisoner in the custody of the Oklahoma Department of Corrections who currently is incarcerated at Jess Dunn Correctional Center in Taft, Oklahoma. *Id.* at 1. He is attacking the validity of his conviction and sentence for Racketeering in Oklahoma County District Court Case No. CF-2022-1542. *Id.* at 1-2. He asks for relief in the form of dismissal of the Racketeering charge or a remand to the sentencing court. *Id.* at 7.

Petitioner filed this action under the authority of 28 U.S.C. § 2241. A § 2241 habeas corpus petition attacks the *execution* of a sentence, while a habeas corpus petition pursuant to 28 U.S.C. § 2254 challenges the *validity* of a conviction or sentence. *Montez v. McKinna*, 208 F.3d 862, 865 (10th Cir. 2000). A § 2241 petition must be filed in the district where the petitioner is confined, *Haugh v. Booker*, 210 F.3d 1147, 1149 (10th Cir. 2000), however, a § 2254 petition should be filed in the district where the petitioner was convicted, *Faulkner v. Franco*, No. CV 15-0493 MCA/CEG, 2015 WL 13650105, at *6 n.8 (D.N.M., 2015).

After careful review, the Court finds Petitioner’s petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 must be construed as a habeas corpus petition under 28 U.S.C. § 2254.

Further, because Oklahoma County is located within the territorial jurisdiction of the United States District Court for the Western District of Oklahoma, the petition should be transferred in the furtherance of justice to that district pursuant 28 U.S.C. § 2241(d).

ACCORDINGLY,

1. Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 (Dkt. 1) is construed as a habeas corpus petition arising under 28 U.S.C. § 2254.

2. This action is transferred to the United States District Court for the Western District of Oklahoma.

IT IS SO ORDERED this 29th day of January 2024.



HONORABLE RONALD A. WHITE
UNITED STATES DISTRICT JUDGE