

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

| | | |
|---------------------------|---|----------|
| MU'MIT MUHAMMAD, DX-3717, |) | |
| Petitioner, |) | |
| |) | |
| v. |) | 2:16-965 |
| |) | |
| TOMMY FERGUSON, |) | |
| Respondent. |) | |

MEMORANDUM

Mu'mit Muhammad, an inmate at the State Correctional Institution- Benner has presented a petition for a writ of habeas corpus which he has been granted leave to prosecute in forma pauperis. A "motion" for a writ of habeas corpus was originally submitted on June 28, 2016, and at petitioner's request for extensions of time, he did not file a formal petition for a writ of habeas corpus (ECF No.9) and "Motion for writ of habeas corpus" (ECF No. 10) until February 14, 2017. From the petition and "motion" it appears that Muhammad is presently serving a 25 to 50 year sentence imposed following his conviction by a jury of aggravated assault and simple assault at CP-14-CR-987-2005 in the Court of Common Pleas of Centre County, Pennsylvania. This sentence was imposed on December 15, 2008.¹

It is provided in 28 U.S.C. §2241(d) that:

Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a state which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

The petitioner is in custody in Centre County located in the Middle District of Pennsylvania and the trial court which sentenced him is also located in Centre County. It

¹ See Petition at ¶¶ 1-6.

therefore, would appear that the interests of justice would best be served by transferring the petition to the United States District Court for the Middle District of Pennsylvania.

An appropriate Order will be entered.

ORDER

AND NOW, this 7th day of March, 2017, for the reasons set forth in the foregoing Memorandum,

IT IS ORDERED that if he objects to the transfer, the petitioner do so on or before March 27, 2017

IT IS FURTHER ORDERED that if no objections are filed the case will be transferred after that date to the United States District Court for the Middle District of Pennsylvania for further proceedings.

s/ Robert C. Mitchell
United States Magistrate Judge