

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

BILLY LEE BACON, JG-0922, )  
Petitioner, )  
 ) 2:17-CV-1630  
v. )  
 )  
JOHN SOMMERS, )  
Respondent. )

MEMORANDUM and ORDER

Billy Lee Bacon, an inmate at the State Correctional Institution – Waymart has presented a petition pursuant to 28 U.S.C. § 2254 seeking to challenge his eighteen to thirty-six year sentence imposed by the Court of Common Pleas of Bradford County, Pennsylvania at CP-08-Cr-683-2008.

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 the Middle District of Pennsylvania, the trial court which sentenced him is located in Bradford County, which is also located in the Middle District of Pennsylvania. It, therefore, would appear that no basis exists for this Court to entertain the petition and 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 20<sup>th</sup> day of December, 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 January 4, 2018

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