

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

PETER ALLEN TREADWAY, JR., KH-5017,)
 Petitioner,)
)
 v.) 2:18-CV-688
)
ROBERT GILMORE,)
 Respondent.)

MEMORANDUM and ORDER

Peter Allen Treadway, Jr., an inmate at the State Correctional Institution – Green has presented a petition pursuant to 28 U.S.C. § 2254 seeking to challenge his conviction and sentence imposed by the Court of Common Pleas of Chester County, Pennsylvania at CP-15-CR-1794-2010. Leave to proceed in forma pauperis has been granted.

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.

While the petitioner is in custody in the Western District of Pennsylvania, the trial court which sentenced him is located in Chester County, which is located in the Eastern District of Pennsylvania. It, therefore, would appear that the interests of justice would best be served by transferring the petition to the United States District Court for the Eastern District of Pennsylvania. Accordingly, on May 29, 2018, the petitioner was ordered to show cause why the instant action should not be transferred to the Eastern District of Pennsylvania (ECF No.2). On June 15, 2018, Treadway filed a response which lacks merit.

Accordingly, the instant action will be transferred to the United States District Court for the Eastern District of Pennsylvania for further proceedings pursuant to 28 U.S.C. § 2241(d).

An appropriate Order will be entered.

ORDER

AND NOW, this 18th day of June 2018, for the reasons set forth in the foregoing Memorandum,

IT IS ORDERED that the instant case be transferred forthwith to the United States District Court for the Eastern District of Pennsylvania for further proceedings.

s/ Robert C. Mitchell
United States Magistrate Judge