

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

ANTHONY J. WILLIAMS	]	
Petitioner,	]	
	]	
v.	]	No. <u>3:10-cv-0729</u>
	]	(No. 3:10-mc-0084)
	]	Judge Echols
STATE OF TENNESSEE	]	
Respondent.	]	

O R D E R

The Court has before it a *pro se* prisoner petition (Docket Entry No. 5) under 28 U.S.C. § 2254, for writ of habeas corpus, and an application to proceed in forma pauperis (Docket Entry No. 6).

The application shows that the petitioner lacks sufficient financial resources to pay for the costs of the action. Therefore, the Clerk is directed to file the petition in forma pauperis. 28 U.S.C. § 1915(a).

The petitioner is an inmate at the Shelby County Jail in Memphis, Tennessee. He brings this action against the State of Tennessee challenging the legality of his drug related arrest in Shelby County.

Venue for a § 2254 action is governed by 28 U.S.C. § 2241(d). That provision requires that a habeas corpus action be brought in either the judicial district of petitioner's conviction or the judicial district of his current incarceration.

In this case, the petitioner was arrested and faces trial in Shelby County, which lies in the Western District of Tennessee. 28 U.S.C. § 123(c)(2). He is currently incarcerated in a penal facility in Shelby County. It therefore appears to the Court that venue for this action is not proper in this judicial district.

Accordingly, the Clerk is directed to TRANSFER this case to the United States District Court for the Western District of Tennessee, Western Division at Memphis, Tennessee. 28 U.S.C. § 1406(a).

It is so ORDERED.



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Robert L. Echols  
United States District Judge