

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JAMES PATRICK STOUT,
Petitioner,
v.
WARDEN WAYNE CARPENTER,
Respondent.
No. 3:14-cv-00976
Judge Campbell

ORDER

Before the Court is a pro se prisoner petition under 28 U.S.C. § 2254 for writ of habeas corpus (ECF No. 1), filed by petitioner James Stout, and an application to proceed in forma pauperis (Docket Entry No. 2).

The application shows that the petitioner lacks sufficient financial resources to pay for the costs of the action. Therefore, the application (ECF No. 2) is GRANTED, and the Clerk is directed to file the petition in forma pauperis. 28 U.S.C. § 1915(a).

The petitioner is an inmate at Riverbend Maximum Security Institution ("RMSI") in Nashville, Tennessee, which lies within the Middle District of Tennessee. He brings this action against Wayne Carpenter, Warden of RMSI, challenging the legality of convictions entered against him in Shelby County. Shelby County lies within a geographic region embraced by the Western District of Tennessee, Western Division. 28 U.S.C. § 123(c)(2).

Under 28 U.S.C. § 2241(d), a habeas petitioner may file in either the judicial district where the petitioner was convicted or the judicial district where he is currently incarcerated. Therefore, venue for this action is proper in both the Western and Middle Districts of Tennessee. However, a petitioner's place of confinement may change from time to time while the district of his convictions will remain constant. For this reason, it has been the consistent practice in the federal courts of Tennessee to transfer habeas petitions to the judicial district in which the convicting court is located.

In this case, the Western District is the situs of the petitioner's convictions. Accordingly, the Clerk will TRANSFER this action to the United States District Court for the Western District of Tennessee, Western Division, at Memphis, Tennessee. 28 U.S.C. § 1404(a).

It is so ORDERED.

Todd Campbell
Todd Campbell
United States District Judge