

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

LOUIS ALBERT SMITH §
VS. § CIVIL ACTION NO. 1:06cv563
DIRECTOR, TDCJ-CID §

MEMORANDUM OPINION REGARDING VENUE

Petitioner Louis Albert Smith, an inmate confined in the Stiles Unit of the Texas Department of Criminal Justice, Institutional Division, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Discussion

Petitioner states that in 1977 he was convicted of robbery in the 22nd District Court of Comal. He was sentenced to 99 years imprisonment.

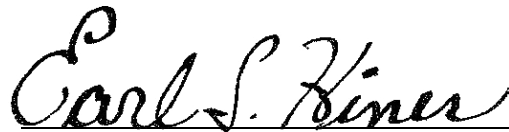
Petitioner filed this petition for writ of habeas corpus in the district in which he is currently confined. Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring his petition for writ of habeas corpus in the district in which he was convicted or the district in which he is incarcerated. Section 2241(d) further provides that the district court in the exercise of its discretion may transfer the action to the other district in the furtherance of justice.

Petitioner was convicted in Comal County, Texas. Pursuant to 28 U.S.C. § 124, Comal County is in the San Antonio Division of the United States District Court for the Western District of Texas. As all records and witnesses involving this action may be

located in the Western District, the transfer of this action to such district would further justice.

Accordingly, this case should be transferred to the San Antonio Division of the United States District Court for the Western District of Texas. A Transfer Order shall be entered in accordance with this Memorandum Opinion.

SIGNED this 22 day of September, 2006.



EARL S. HINES
UNITED STATES MAGISTRATE JUDGE