

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

JAICOURRIE FINLEY §
VS. § CIVIL ACTION NO. 1:10-CV-302
DIRECTOR, TDCJ-CID §

MEMORANDUM OPINION REGARDING TRANSFER

Petitioner Jaicourrie Finley, an inmate confined at the Clements Unit of the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), proceeding *pro se*, brings this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

The above-styled action was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

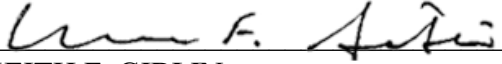
Title 28 U.S.C. § 2254(a) allows a district court to “entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2254(a). A state prisoner is required to file his federal petition for writ of habeas corpus either in the district where the prisoner is incarcerated or the district where the prisoner was convicted and sentenced. 28 U.S.C. § 2241(d).

Petitioner is currently confined at the Clements Unit which is located in the Northern District of Texas. The website maintained by TDCJ shows that petitioner was convicted and sentenced in

Washington County, located in the Western District of Texas, and in Harris County, located in the Southern District of Texas. Therefore, this court lacks jurisdiction to consider the petition.

The court has considered the circumstances and has determined that the interest of justice would best be served by transferring this petition to the Amarillo Division of the Northern District of Texas, where petitioner is currently confined. An order so providing will be entered by the undersigned.

SIGNED this 2 day of June, 2010.



KEITH F. GIBLIN
UNITED STATES MAGISTRATE JUDGE