

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

JERRY ELKINS

§

VS.

§

CIVIL ACTION NO. 1:16-CV-525

KEN PAXTON

§

MEMORANDUM OPINION AND ORDER

Petitioner Jerry Elkins, a federal prisoner confined in Florence, Colorado, proceeding *pro se*, brings this petition for writ of habeas corpus.

The above-styled action was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

Petitioner is currently serving a federal sentence. Petitioner alleges the State of Texas lodged a detainer against him in connection with a pending criminal case in Bowie County, Texas. Petitioner contends that the State is denying his right to a speedy trial and violating the Interstate Agreement on Detainers Act (IADA).

A prisoner in custody under one sentence may attack a detainer lodged against him by another jurisdiction. *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 498 (1973). “In such a case, the State holding the prisoner in immediate confinement acts as agent for the demanding State, and the custodian State is presumably indifferent to the resolution of the prisoner’s attack on the detainer.” *Id.* at 498-99. Although the federal district court in the district of confinement has

concurrent jurisdiction, the court can transfer the case to the district where the detainer was lodged, which is generally a more convenient forum. *Id.* at 499 n. 15.

Petitioner filed this petition in the district where the detainer was lodged, but not the correct division. The court has considered the circumstances and has determined that the interests of justice would be served by transferring this petition to the division where the detainer was lodged. It is accordingly

**ORDERED** that this petition for writ of habeas corpus is **TRANSFERRED** to the Texarkana Division of the United States District Court for the Eastern District of Texas.

**SIGNED** this the 29th day of December, 2016.



KEITH F. GIBLIN  
UNITED STATES MAGISTRATE JUDGE