

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

VERNON CHARLES	§	
VS.	§	CIVIL ACTION NO. 1:17cv479
DIRECTOR, TDCJ-CID	§	

MEMORANDUM OPINION AND ORDER REGARDING VENUE

Vernon Charles, an inmate confined in the Telford Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed what has been construed as a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.¹

Discussion

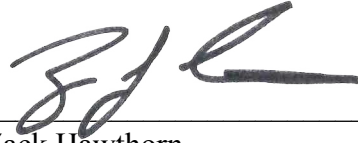
Petitioner complains of a conviction for murder in the 363rd District Court of Dallas County, Texas. He filed this petition for writ of habeas corpus in the Eastern District of Texas, the federal judicial district in which he is currently confined. Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring a petition for writ of habeas corpus in the federal judicial district in which he was convicted or in the district where he is incarcerated. In addition, Section 2241(d) provides that a 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 Dallas County, Texas. Pursuant to 28 U.S.C. § 124, Dallas County is in the Dallas Division of the United States District Court for the Northern District of Texas. As all records and witnesses involving this action and the underlying criminal conviction may be located in the Northern District, the transfer of this action to such district would further justice. It is therefore

¹ Petitioner filed his petition on a form used to file a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. However, as petitioner is incarcerated pursuant to a state court judgment, he must seek relief under 28 U.S.C. § 2254, which “confers jurisdiction upon the federal courts to hear collateral attacks on state court judgments.” *Wadsworth v. Johnson*, 235 F.3d 959, 961 (5th Cir. 2000).

ORDERED that this case is **TRANSFERRED** to the Dallas Division of the United States District Court for the Northern District of Texas.

SIGNED this 14th day of November, 2017.

A handwritten signature in black ink, appearing to read 'Zack Hawthorn', written over a horizontal line.

Zack Hawthorn
United States Magistrate Judge