

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

KEVIN D. RUTLEDGE §
VS. § CIVIL ACTION NO. 5:08cv83
H. WESTON §

MEMORANDUM OPINION REGARDING VENUE

Petitioner Kevin D. Rutledge, an inmate confined in the Neal Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges a prison disciplinary conviction.

Petitioner states that in 2006 he was convicted of possession of a controlled substance in Howard County, Texas. He was sentenced to two years imprisonment.

Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring his petition for writ of habeas corpus in the federal judicial district in which he was convicted or the district in which he is incarcerated.

Petitioner's criminal conviction occurred in Howard County. Pursuant to 28 U.S.C. § 124, Howard County is in the Abilene Division of the United States District Court for the Northern District of Texas. Moreover, petitioner is currently confined at

the Neal Unit, which is in Potter County, Texas. Pursuant to Section 124, Potter County is located in the Amarillo Division of the United States District Court for the Northern District of Texas.

As the above paragraph indicates, petitioner is not incarcerated in, and his criminal conviction did not occur in, the Eastern District of Texas. As a result, this court lacks jurisdiction over the petition.

As petitioner complains of a prison disciplinary conviction, this petition shall be transferred to the Amarillo Division of the Northern District of Texas. A Transfer Order shall be entered in accordance with this Memorandum Opinion.

SIGNED this 13 day of May, 2008.



KEITH F. GIBLIN
UNITED STATES MAGISTRATE JUDGE