


In his objections, petitioner states that the transfer of this matter violates his right to bring his petition in this court, as well as his rights to be confronted by the witnesses against him and to use compulsory process to call witnesses to testify on his behalf.

After careful consideration, the Court is of the opinion that the Magistrate Judge's Memorandum Opinion and Order of Transfer were not clearly erroneous or contrary to law. This Court and the Eastern District of Arkansas have concurrent jurisdiction over this petition.¹ As petitioner's incarceration in the Bowie County Correctional Center is due to his conviction in an Arkansas state court and is not the result of any process issued by a Texas state court, it would be more appropriate to have this petition adjudicated in the federal judicial district where a challenge to petitioner's Arkansas conviction would be asserted. There is no reason to believe all relevant witnesses would not be available to testify in any proceedings conducted by the Arkansas federal court. The Magistrate Judge therefore correctly concluded this petition should be transferred. Accordingly, it is

ORDERED that petitioner's objections to the Memorandum Opinion and Order of Transfer are **OVERRULED**.

So ORDERED and SIGNED this 19th day of January, 2018.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE

¹ Title 28 U.S.C. § 2241(d) provides that a habeas petition may be filed in either the federal judicial district where the petitioner was convicted or the judicial district where he is incarcerated.