

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

ROBERT LEE PENNY §
VS. § CIVIL ACTION NO. 5:18-CV-5
BOWIE COUNTY, TEXAS §

MEMORANDUM OPINION AND ORDER REGARDING VENUE

Petitioner Robert Lee Penny, an inmate confined in the Bowie County Correctional Center, proceeding *pro se*, filed this petition for writ of habeas corpus.

Petitioner states that on April 27, 2016, he was illegally transferred from the custody of the Arkansas Department of Corrections to the Bowie County Correctional Center in Texarkana, Texas. Petitioner states no charges have been filed against him in Texas.

Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring his petition for writ of habeas corpus in either the federal judicial district in which he was convicted or the district in which he is incarcerated. As petitioner states no Texas charges have been filed against him, his incarceration in the Bowie County Correctional Center appears to be the result of some contractual arrangement between the Center and the Arkansas Department of Corrections. Accordingly, his incarceration is due to his Arkansas criminal proceeding rather than any action by a Texas court.

As petitioner's incarceration is the result of an Arkansas criminal proceeding, the Court is of the opinion this petition should be transferred to the federal judicial district where a petitioner physically incarcerated in Arkansas would file a petition challenging an Arkansas conviction. Pursuant to 28 U.S.C. § 83, Jefferson County, where petitioner was convicted, is located in the Pine

Bluff Division of the Eastern District of Arkansas. This petition will therefore be transferred to such division and district.

ORDER

For the reasons set forth above, it is **ORDERED** that this petition is **TRANSFERRED** to the Pine Bluff Division of the United States District Court for the Eastern District of Arkansas.

SIGNED this 16th day of March, 2018.


CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE