IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

BOBBY B. KIRKENDOLL	§	
VS.	§	CIVIL ACTION NO. 1:22cv449
UNITED STATES OF AMERICA	§	

MEMORANDUM OPINION AND ORDER REGARDING VENUE

Bobby R. Kirkendoll has filed an "Emergency Motion Pursuant to 28 U.S.C. § 1331."

Analysis

Mr. Kirkendoll was previously convicted of two criminal offenses in the United States District Court for the Western District of Louisiana. He complains that he was improperly convicted.

The primary means for contesting a federal criminal conviction is a motion to vacate, set aside or correct sentence filed pursuant to 28 U.S.C. § 2255. Mr. Kirkendoll clearly states he is not attempting to proceed pursuant to Section 2255.

In certain limited circumstances, a federal conviction may be challenged in a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241. The court will therefore construe this filing as a petition for writ of habeas corpus filed pursuant to Section 2241.

Such a petition must be filed in the federal judicial district and division where the petitioner is located. Mr. Kirkendoll states he is imprisoned at the Federal Correctional Institution at Texarkana, Texas. As a result, this filing will be transferred to the Texarkana Division of this court.

ORDER

Accordingly, it is **ORDERED** this case is transferred to the Texarkana Division of this court.

SIGNED this 14th day of November, 2022.

Zack Hawthorn
United States Magistrate Judge

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