

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

SUSAN-REBECCA CAMMACK §
VS. § CIVIL ACTION NO. 9:16-CV-90
KERR COUNTY SHERIFF §

MEMORANDUM OPINION REGARDING TRANSFER

Petitioner, Susan-Rebecca Cammack, proceeding *pro se*, filed what appeared to be a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Although not stated explicitly in the petition, it appears petitioner is a pre-trial detainee at the Kerr County Jail based on the address provided.

The above-styled action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

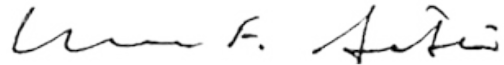
Petitioner appears to be currently confined as a pre-trial detainee at the Kerr County Jail in Kerr County which is located within the Western District of Texas, San Antonio Division. Venue, therefore, is not proper in the Eastern District of Texas, Lufkin Division. A District Court “may transfer the application for hearing and determination to the district court having jurisdiction to entertain it.” 28 U.S.C. § 2241(b); *see also Rumsfeld v. Padilla*, 542 U.S. 426, 442-43 (2004) (§ 2241 pre-conviction habeas petitions can be filed only in the federal district where the petitioner is in custody). Venue should be transferred to the Western District of Texas, San Antonio Division, as petitioner is confined in Kerr County within that district.

Conclusion

The Court has considered the circumstances underlying the particular facts of this case and has determined that the interests of justice would be served by transferring this petition to the

division where petitioner is currently confined as a pre-trial detainee. Therefore, the petition should be transferred to the San Antonio Division of the Western District of Texas for hearing and determination. An order transferring the case will be entered by the undersigned.

SIGNED this the 24 day of June, 2016.



KEITH F. GIBLIN
UNITED STATES MAGISTRATE JUDGE