

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

JOHNATHAN QUINCY FRANKLIN §
VS. § CIVIL ACTION NO. 9:17cv139
DIRECTOR, TDCJ-CID §

MEMORANDUM OPINION AND ORDER REGARDING VENUE

Petitioner Johnathan Quincy Franklin, an inmate confined in the Robertson 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 states that in 2008 he was convicted of a criminal offense in the 35th District Court of Brown County, Texas. The current petition challenges a prison disciplinary conviction rather than petitioner's criminal conviction.

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.

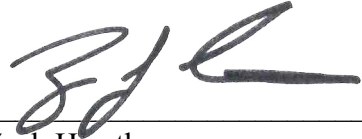
Petitioner's criminal conviction occurred in Brown County. Pursuant to 28 U.S.C. § 124, Brown County is in the San Angelo Division of the United States District Court for the Northern District of Texas. Moreover, petitioner is currently confined at the Robertson Unit, which is in Jones County, Texas. Pursuant to Section 124, Jones County is located in the Abilene 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.

ORDER

As petitioner complains of a prison disciplinary conviction, it is
ORDERED that this petition is **TRANSFERRED** to the Abilene Division of the Northern
District of Texas.

SIGNED this 14th day of August, 2017.

A handwritten signature in black ink, appearing to read 'Zack Hawthorn', written over a horizontal line.

Zack Hawthorn
United States Magistrate Judge