

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JOSE M VASQUEZ,

Petitioner,

VS.

RICHARD WATHEN,

Respondent.

§
§
§
§
§
§
§

CIVIL ACTION NO. 2:13-CV-406

OPINION AND ORDER OF TRANSFER

This is a habeas action filed by a state prisoner incarcerated at the TDCJ-CID's Allred Unit in Iowa Park, Texas, and represented by counsel (D.E. 1). Petitioner challenges his first degree murder conviction in Cameron County, Texas (*Id*).

A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); Wadsworth v. Johnson, 235 F.3d 959 (5th Cir. 2000). Petitioner's place of incarceration is in Wichita County, located in the Wichita Falls Division of the Northern District of Texas, 28 U.S.C. § 124(a)(6), and he was convicted by a court located in the Brownsville Division of the Southern District of Texas. 28 U.S.C. § 124(b)(4).

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. §§ 1404(a) and 1406(a). A habeas application may be transferred in furtherance of justice to the district court within which the State court was held which convicted and sentenced the petitioner. 28 U.S.C. § 2241(d). Because

petitioner was convicted in Cameron County, it is more convenient and would further the interests of justice for this action to be handled in the Brownsville Division of the Southern District of Texas. The records of his conviction, the prosecutor and defense lawyer, and the witnesses are all located in the Brownsville Division of the Southern District of Texas.

Accordingly, it is ordered that the Clerk of the Court TRANSFER this action to the United States District Court for the Southern District of Texas, Brownsville Division.

SIGNED and ENTERED this _____ day of 12/20/13, 2013.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE