

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

CARY EUGENE,

Petitioner,

VS.

WILLIAM STEPHENS,

Respondent.

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CIVIL ACTION NO. 2:15-CV-238

OPINION AND ORDER OF TRANSFER

This is a habeas action filed by a state prisoner incarcerated at TDCJ-CID’s Stiles Unit in Beaumont, Texas (D.E. 1). Petitioner challenges a 2012 conviction and sixty-year sentence for Burglary of a Habitation imposed by the 351st District Court of Harris 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 Jefferson County, in the Beaumont Division of the Eastern District of Texas, 28 U.S.C. § 124(c)(2), and he was convicted by a court located in the Houston Division of the Southern District of Texas. 28 U.S.C. § 124(b)(2). His case has no apparent connection to the Corpus Christi Division.

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 Harris County, it is more convenient and would further the interests of justice for this action to be handled in the Houston 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 Houston 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, Houston Division. All pending motions are denied as moot and subject to renewal after the case is transferred.

ORDERED this 2nd day of June, 2015.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE