

United States District Court
Southern District of Texas

ENTERED

February 24, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

NELSON RAY SHILLING,	§	
	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. 2:16-CV-55
	§	
WILLIAM STEPHENS,	§	
	§	
Respondent.	§	

OPINION AND ORDER OF TRANSFER

This is a habeas action filed on February 16, 2016, by a state prisoner incarcerated at the C.T. Terrell Unit, which is located in Brazoria County, Texas. (D.E. 1). In his petition, Petitioner challenges his February 24, 2014 Bexar County conviction and sentence. (D.E. 1, Page 2).


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 the Galveston Division of the Southern District of Texas, 28 U.S.C. § 124(b)(1), and he was convicted by a court located in Bexar County in the San Antonio Division of the Western District of Texas. 28 U.S.C. § 124(d)(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 Bexar County, it is more convenient and would further the interests of justice for this action to be handled in the San Antonio Division of the Western District of Texas. The records of his conviction and the prosecutor and defense lawyers are all located in the San Antonio Division of the Western District of Texas.

Accordingly, it is ordered that this case be transferred to the United States District Court for the Western District of Texas, San Antonio Division.

ORDERED this 24th day of February, 2016.



Jason B. Libby
United States Magistrate Judge