

United States District Court  
Southern District of Texas

**ENTERED**

March 15, 2016

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

MICHAEL O'NEAL HUTCHINS,

Petitioner,

VS.

WILLIAM STEPHENS,

Respondent.

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CIVIL NO. 2:16-CV-92

**OPINION AND ORDER OF TRANSFER**

This is a habeas action filed by a state prisoner incarcerated at TDCJ-CID's McConnell Unit in Beeville, Texas (D.E. 1). Petitioner challenges his 2011 conviction and forty-nine year sentence for Aggravated Robbery with a Deadly Weapon imposed by the 213th District Court of Tarrant 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 Bee County in the Southern District of Texas, 28 U.S.C. § 124(b)(6), and he was convicted by a court located in the Fort Worth Division of the Northern District of Texas. 28 U.S.C. § 124(a)(2).

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 Tarrant County, it is more convenient and would further the interests of justice for this action to be handled in the Fort Worth Division of the Northern District of Texas. The records of his conviction, the prosecutor and defense lawyer, and the witnesses are all located in the Fort Worth Division of the Northern District of Texas.

Accordingly, it is ordered that the Clerk of the Court TRANSFER this action to the United States District Court for the Northern District of Texas, Fort Worth Division. All pending motions are denied without prejudice, subject to re-urging in the receiving court.

SIGNED this 15th day of March, 2016.

A handwritten signature in black ink, appearing to read "Hilda Tagle", written over a horizontal line.

Hilda Tagle  
Senior United States District Judge