

United States District Court  
Southern District of Texas

**ENTERED**

July 14, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

DONALD GENE FULLER,

Petitioner,

VS.

LORIE DAVIS,

Respondent.

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CIVIL ACTION NO. 2:17-CV-240

**OPINION AND ORDER OF TRANSFER**

This is a habeas action filed by a state prisoner incarcerated at TDCJ-CID's Stevenson Unit in Cuero, Texas (D.E. 1). The TDCJ website reveals that Petitioner was convicted of Aggravated Sexual Assault of a child and Indecency with a child in Bexar County, Texas. He challenged those convictions by letter claiming that he was "actually innocent" of all charges (D.E. 1).

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 Dewitt County in the Victoria Division of in the Southern District of Texas, 28 U.S.C. § 124(b)(5), and he was convicted by a court located in the San Antonio Division of the Western District of Texas. 28 U.S.C. § 124(d)(4). His case has no connection with the Corpus Christi Division of the Southern District of Texas.

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, the prosecutor and defense lawyer, and the witnesses are all located in the San Antonio Division of the Western District of Texas.

Accordingly, it is ordered that the Clerk of the Court TRANSFER this action to the United States District Court for the Western District of Texas, San Antonio Division. All pending motions are denied as moot, subject to re-urging after the case is transferred.

ORDERED this 14th day of July, 2017.

  
B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE