

United States District Court
Southern District of Texas

ENTERED

December 15, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

AMARIO LYNN MCPHERSON,	§	
	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. 2:17-CV-379
	§	
LORI DAVIS,	§	
	§	
Respondent.	§	

OPINION AND ORDER OF TRANSFER

This is a habeas action filed on December 14, 2017, by a state prisoner incarcerated at the McConnell Unit in Beeville, Texas, which is located in Bee County. (D.E. 1). In his complaint, Petitioner challenges his Tarrant County murder conviction and life sentence. (D.E. 1. Page 7).


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 Corpus Christi Division of the Southern District of Texas, 28 U.S.C. § 124(b)(6), and he was convicted by a court located in Tarrant County 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 and the prosecutor and defense lawyers are all located in the Fort Worth Division of the Northern District of Texas. **Additionally, Petitioner currently has a pending habeas action in the Fort Worth Division of the Northern District of Texas challenging his incarceration pursuant to the same conviction. *McPherson v. Davis*, Case No. 4:17-cv-418-A (N.D. Tex. 2017).**

Accordingly, it is ordered that this case be transferred to the United States District Court for the Northern District of Texas, Fort Worth Division. All pending motions are **DENIED** subject to refiling in the Northern District of Texas, Fort Worth Division. The Clerk of Court is directed to close this case.

ORDERED this 15th day of December, 2017.



Jason B. Libby
United States Magistrate Judge