

United States District Court
Southern District of Texas

ENTERED

June 27, 2017

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

KENNETH L. SCHROEDER, TDCJ #01813989,	§	
	§	
	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. 3:17-CV-191
	§	
LORIE DAVIS, Director, Texas Department of Criminal Justice, Correctional Institutions Division,	§	
	§	
	§	
Respondent.	§	

ORDER

The petitioner, Kenneth Schroeder (TDCJ #01813989), is a state inmate incarcerated in the Texas Department of Criminal Justice - Correctional Institutions Division ("TDCJ"). Schroeder has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging the validity of a state criminal conviction (Dkt. 1). Because the petition is his second to challenge the same conviction, the Court will transfer this case to the United States Court of Appeals for the Fifth Circuit. *See In re Epps*, 127 F.3d 364, 365 (5th Cir. 1997); *see also* 28 U.S.C. § 1631. Schroeder previously filed a petition in this Court under Section 2254, which the Court dismissed with prejudice. *See* Southern District of Texas Case Number 3:15-CV-109 at Dkt. 37.

Based on the foregoing, the Court **ORDERS** as follows:

1. The District Clerk shall **TRANSFER** this docket to the United States Court of Appeals for the Fifth Circuit pursuant to 28 U.S.C. § 1631 and the Fifth Circuit's opinion in *In re Epps*.

The Clerk shall provide a copy of this order to the parties and to the Clerk of Court of the United States Court of Appeals for the Fifth Circuit.

SIGNED at Galveston, Texas, on June 27, 2017.


GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE