

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

MICHAEL WAYNE HOLDER §
VS. § CIVIL ACTION NO. 1:10cv89
DIRECTOR, TDCJ-CID §

MEMORANDUM OPINION REGARDING VENUE

Petitioner Michael Wayne Holder, an inmate confined in the Wallace Pack Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Petitioner states that in 1997, he was convicted of aggravated sexual assault of a child in the 232nd District Court of Harris County, Texas. He was sentenced to 20 years imprisonment. In the current petition, petitioner complains of a prison disciplinary conviction.

Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring his petition for writ of habeas corpus in the federal judicial district in which he was convicted or the district in which he is incarcerated.

Petitioner's criminal conviction occurred in Harris County. Pursuant to 28 U.S.C. § 124, Harris County is in the Houston Division of the United States District Court for the Southern

District of Texas. Moreover, petitioner is currently confined at the Wallace Pack Unit, which is in Grimes County, Texas. Pursuant to Section 124, Grimes County is located in the Houston Division of the United States District Court for the Southern District of Texas.

As the above paragraph indicates, petitioner is neither incarcerated in, nor did his criminal conviction occur in the Eastern District of Texas. As a result, this court lacks jurisdiction over the petition.

As the Houston Division of the Southern District is the only court which has jurisdiction over this matter, this petition shall be transferred to such district and division. A Transfer Order shall be entered in accordance with this Memorandum Opinion.

SIGNED this 22 day of February, 2010.



KEITH F. GIBLIN
UNITED STATES MAGISTRATE JUDGE