

United States District Court
Southern District of Texas

ENTERED

November 08, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

NKRUMAH LUMUMBA VALIER,	§	
	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. 2:16-CV-475
	§	
LORIE DAVIS,	§	
	§	
Respondent.	§	

OPINION AND ORDER OF TRANSFER

This is a habeas action filed by a state prisoner incarcerated at the Allred Unit in Iowa Park, Texas, which is located in Wichita County. (D.E. 1). In his complaint, Petitioner again challenges his 2005 Harris County conviction and sentence as well as the handling of his previous habeas petitions. (D.E. 1).¹

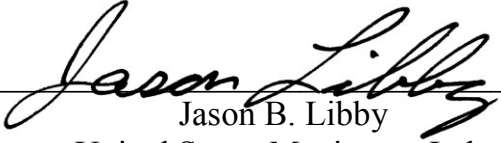
A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); *Wadsworth v. Johnson*, 235 F.3d 959 (5th Cir. 2000). Petitioner's place of incarceration at the time of filing is in the Wichita Falls Division of the Northern District of Texas, 28 U.S.C. § 124(a)(6), and he was convicted by a court located in Harris County in the Houston Division of the Southern District of Texas. 28 U.S.C. § 124(b)(2).

¹Petitioner has filed at least five previous federal habeas actions challenging this conviction, all of which were filed in the Houston Division of the Southern District of Texas and were subsequently dismissed. See *Valier v. Davis*, No. 4:16-cv-1696 (S.D. Tex. July 26, 2016)(final judgment); *Valier v. Davis*, No. 4:16-cv-1584 (S.D. Tex. June 10, 2016)(final judgment); *Valier v. Stephens*, No. 4:15-cv-2388 (S.D. Tex. Aug. 24, 2015)(order of dismissal); *Valier v. Stephens*, No. 4:13-cv-3257 (S.D. Tex. June 29, 2014)(final judgment); *Valier v. Stephens*, No. 4:13-cv-3168 (S.D. Tex. Nov. 27, 2013)(final order).

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 Harris County, it is more convenient and would further the interests of justice for this action to be handled in the Houston Division of the Southern District of Texas. The records of his conviction and the prosecutor and defense lawyers are all located in the Houston Division of the Southern District of Texas.

Accordingly, it is ordered that this case be transferred to the United States District Court for the Southern District of Texas, Houston Division.

ORDERED this 8th day of November, 2016.



Jason B. Libby
United States Magistrate Judge