

United States District Court
Southern District of Texas

ENTERED

December 02, 2020

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

BAKARI ABDUL BROWN,
(TDCJ-CID #01970889)

Petitioner,

vs.

BOBBY LUMPKIN,

Respondent.

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CIVIL ACTION H-20-1815

MEMORANDUM AND OPINION

Petitioner, Bakari Abdul Brown, filed this action seeking habeas corpus relief under 28 U.S.C. § 2254. He challenges his conviction and life sentence for possession of a controlled substance in the 253rd Judicial District Court of Liberty County, Texas. (Cause Number CR-30879). Brown is currently confined at the Estelle Unit, which is located within the Houston Division of the United States District Court for the Southern District of Texas.

Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a State which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him.

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28 U.S.C. § 2241(d).

The respondent moves to transfer venue to the Eastern District of Texas, Beaumont Division in the interest of justice. (Docket Entry No. 16). The respondent explains that Brown has already filed a companion case in the Eastern District of Texas, Beaumont Division. *See Brown v. Davis*,


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1:20cv231. That case challenges Brown's conviction for unlawful possession of a firearm by a felon. (Cause Number CR-30880). Brown was tried and convicted of possession of a controlled substance and unlawful possession of a firearm by a felon, in a single trial on December 10, 2014. (Cause Numbers CR-30879 & CR-30880). The companion case was also initially filed in the Southern District in Civil Action Number 4:20-1833, but Judge Ellison transferred it to the Eastern District on May 28, 2020, where it was assigned Civil Action Number 1:20-0231. The respondent filed his answer in the companion case on September 30, 2020. The respondent explains that the answer is identical in substance to the motion for summary judgment filed in this case.

Under 28 U.S.C. § 2241(d), this Court may transfer the writ to the district within which the State court was held which convicted and sentenced Brown. The respondent's motion to transfer venue, (Docket Entry No. 16), is GRANTED. In the interest of justice, the Clerk is ORDERED to transfer this application for writ of habeas corpus to the Clerk of the Eastern District of Texas, Beaumont Division.

The respondent's motion for summary judgment, (Docket Entry No. 13), is DENIED without prejudice to reconsideration after transfer.

SIGNED at Houston, Texas, on December 1, 2020.


VANESSA D. GILMORE
UNITED STATES DISTRICT JUDGE