

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ALLEN LEE HARDAWAY,

Petitioner,

VS.

WILLIAM STEPHENS,

Respondent.

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CIVIL ACTION NO. 2:14-CV-183

OPINION AND ORDER OF TRANSFER

This is a habeas action filed on May 19, 2014, by a state prisoner incarcerated at the Mark W. Stiles Unit in Beaumont, Texas, which is located in Jefferson County. (DE 1). In his complaint, Petitioner challenges his state conviction and his sentence. (DE 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 is in the Beaumont Division of the Eastern District of Texas, 28 U.S.C. § 124(c)(2), and he was convicted by a court located in Victoria County in the Victoria Division of the Southern District of Texas. 28 U.S.C. § 124(b)(5).

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

ORDERED this 29th day of July, 2014.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE