

United States District Court
Southern District of Texas

ENTERED

July 26, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

EVERETT KELLEY III,

Petitioner,

VS.

LORI DAVIS,

Respondent.

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CIVIL ACTION NO. 2:16-CV-314

OPINION AND ORDER OF TRANSFER

This is a habeas action filed by a state prisoner incarcerated at TDCJ-CID’s Stiles Unit in Beaumont, Texas (D.E. 1). Petitioner challenges a 2013 unspecified felony conviction and life sentence imposed by the 24th Judicial District Court of Jackson County, Texas (*Id.*).

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 Jefferson County, 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 the Victoria Division of the Southern District of Texas. 28 U.S.C. § 124(b)(5). His case has no apparent connection to the Corpus Christi Division.

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, the prosecutor and defense lawyer, and the witnesses are all located in the Victoria Division of the Southern District of Texas.

Accordingly, it is ordered that the Clerk of the Court TRANSFER this action to the United States District Court for the Southern District of Texas, Victoria Division. All pending motions are denied as moot and subject to renewal after the case is transferred.

ORDERED this 26th day of July, 2016.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE