

United States District Court
Southern District of Texas

ENTERED

March 11, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

STUART CLAY COLE,

Petitioner,

VS.

WARDEN, S.C.P. THREE RIVERS,

Respondent.

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CIVIL ACTION NO. 6:25-CV-00012

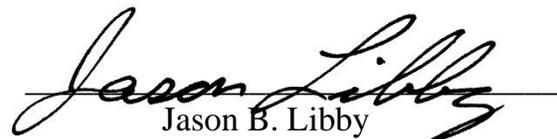
OPINION AND ORDER OF TRANSFER

This is a habeas action filed pursuant to 28 U.S.C. § 2241. (D.E. 1). Petitioner Stuart Clay Cole (47851-019) is incarcerated at FCI Three Rivers which is located in Live Oak County, Texas, which is within the jurisdiction of the United States District Court for the Southern District of Texas, Corpus Christi Division. 28 U.S.C. § 124(b)(6). Petitioner filed this Petition in the Victoria Division of the Southern District of Texas. 28 U.S.C. § 124(b)(5).

It is well established that a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241 must be filed in the district where the prisoner is incarcerated. *Hooker v. Sivley*, 187 F.3d 680, 682 (5th Cir. 1999) (citation omitted); *see also Pack v. Yusuff*, 218 F.3d 448, 451 (5th Cir. 2000) (citations omitted). A district court has the authority to transfer a case in the interest of justice to another district or division in which the action

might have been brought. 28 U.S.C. §§ 1404, 1406. The Court finds this case is more appropriately transferred to the division where Petitioner is incarcerated within this district. Therefore, the Clerk of Court is **ORDERED** to **TRANSFER** this case to the United States District Court for the Southern District of Texas, Corpus Christi Division. All pending Motions are **DENIED** as moot and the Clerk of Court is **DIRECTED** to **CLOSE** this case.

ORDERED on March 10, 2025.


Jason B. Libby
United States Magistrate Judge