

United States District Court
Southern District of Texas

ENTERED

December 08, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ROBERTO CARDENAS GARZA,	§	
	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. 2:16-CV-497
	§	
STATE OF TEXAS,	§	
	§	
Respondent.	§	

OPINION AND ORDER OF TRANSFER

This is a habeas action filed on November 8, 2016, by a federal prisoner incarcerated at the United States Penitentiary in Tucson, Arizona. (D.E. 1). In his complaint, Plaintiff challenges his Hidalgo County murder conviction and life sentence. (D.E. 1).

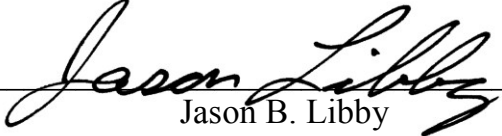
A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); *Wadsworth v. Johnson*, 235 F.3d 959 (5th Cir. 2000). Petitioner’s place of incarceration is Tucson, Arizona and he was convicted by a court located in the McAllen Division of the Southern District of Texas. 28 U.S.C. § 124(b)(7).

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). Plaintiff's lawsuit has no connection to the Corpus Christi Division. Because Petitioner was convicted in Hidalgo County, it is more convenient and would further the interests of justice for this action to be handled in the McAllen Division of the Southern District of Texas. The records of his conviction and the prosecutor and defense lawyers are all located in the McAllen 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, McAllen Division. All pending motions are **DENIED as moot** and are subject to renewal after the case is transferred.

ORDERED this 8th day of December, 2016.



Jason B. Libby
United States Magistrate Judge