

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

OMERO LUGO,

Petitioner,

VS.

RICK THALER,

Respondent.

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CIVIL ACTION NO. 2:13-CV-58

OPINION AND ORDER OF TRANSFER

This is a habeas action filed by a state prisoner incarcerated at the Pack I Unit in Navasota, Texas, Texas (D.E. 1). Petitioner was convicted on his plea of Nolo Contendere to the offense of Intoxication Manslaughter in the 218th Judicial District Court of Wilson County, Texas, and sentenced in April 2010 to serve seventeen (17) years in the custody of TDCJ-CID (*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 Grimes County in the Houston Division of the Southern District of Texas, 28 U.S.C. § 124(b)(2), and he was convicted by a court located in the San Antonio Division of the Western District of Texas. 28 U.S.C. § 124(d)(4).

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 Wilson County, it is more convenient and would further the interests of justice for this action to be handled in the San Antonio Division of the Western District of Texas. The records of his conviction, the prosecutor and defense lawyer, and the witnesses are all located in the San Antonio Division of the Western District of Texas.

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

SIGNED and ENTERED this 5th day of March, 2013.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE